

Executors & Administrators.

No. II.

Executors & Administrators.

N^o II.



Debtor & p. ex.

If a creditor appoints his debtor, ex. 94.
 debt is at law, sec. 84 is right, duty be-
 ing in p. same, sec. 94, 2 Pr. 511 2.
Ex. 31, Sec. 209, Com. L. 1 Apr. 1835.
 In other appoints obligor ex. 3 Co. 135.

So, if one of me pink, or pink, & me!

+ In re app. petition made ex. it ord. and are disch.
by a certain & real law. (Folk. 348. Off. ex. 31.)

leave; & a return
to me, is such
to all.

So, if one of debtors ^{co.} ex. is admitted to testify,
his debt is disht at law: for one ex. cannot
maintain an action w. another: their rights
are join'd. Id. 348. Off. Ex. 31, 32. Plow. 254. Went,
50.

• Raley^r. Since tho' y^e. ex. indebted sh^d. have
did without proving y^e. will, or administering
on tho' he sh^d. refuse y^e. trust: Unless he for-
ceably renounces, in y^e. proper Ct. (Toll. 348.
Sul. 300. How. 154. Off. Ex. 31. Sul. 307 S.) For his right
to assume y^e. trust still exists.

But yr appointment of a collector, admt. to
his credt, does not release yr debt. Such ap-

+ For this a les pointment being an act of law, who only sustains it may, in this case, be remedied. Hence, on admission of a reth due death, his rep. are liable, at law to yr. adm. to himself, & to the rep. of the estate in bonis non of first intestate. (Foll. 349. Ro. do it by appra C. 373. Sal. 302. Vent. 303. Off. Ex. 32. 8 Co. 135. 1 Sh. 79, rep.)

So, if trust
disproves she, I
trust may save
just his rep. to
law.

So, if an ex.^x maritus terra's reblog, y.^e marriage
is no release of y.^e reblog, even at law - it is only
a suspension of y.^e reblog, during y.^e cor.^e; & y.^e
admon. de ²⁰bris, non can, on her death, entred
y.^e decit at law. [†]
Mo. 236. Sat. 305. (Foll. 349. Lib. 205. 1 Leon. 320.

J.F. Linn. 17.
122-3 Car. 2.

Dr. Kohn's Distribution.

Chrom. xiii -

Johnson

That I have written a letter to Mr. Connel
in answer to his letter of the 11th; it is entitled
"to Mr. Connel, in reply to his letter of the 11th." (Vol. 3 & 4)

37. however,
the book does not ~~have~~ it any such settlement,
a relation, ⁱⁿ before given to a child; but if he during
the book brings it into contact with i.e.

+ canal to each of
y^e others.

... he must have been ...
... must be ~~not~~ ^{estimated} ...
... be decided? (Coll. 3702 Bl. 443 449
... 2. 2. 344. 2 Bl. 2. 33. 174) And, on y^e distribution,
he retains his attempt, & receives a much more, as will make his part

But, it is not, as to bringing in social - but
it is only to a. of natural interest. And,
if there is an ex. right, & declared power, for
exclusion of him, then to be revised, if given up

£ we. all equally.

177. 145. - 324.

+ It is a portion, a settlement, given by a parent in his lifetime, to a child, by way of advancing him, in life.

Homocentrus? or C? +

if one purchases.

He was in office, as secretary Comm. sen
on the Sanjil in arrived. Feb 3, 1873
P. 30. n. 1

So, 2 new " made for a child, in view of
 4. 1840 on Wm. Condit, son of marriage
 Feb. 377. 2 1844 W. 444. 2 Wm. 538.

So, a discrepancy may consist of an omission
and - or a change in land, in a rent. (F. 6.
377.2 210.44)

So tho't to take effect, after in a calendar death:
 ex. & annuity to commence after his death - he
 an apt in reversion. Toll 3772 376441 445449.
 - The death within say, called, value 3, 4 out
 during intertest's life

St 22.3.2

Among Children

Ex. & Adv. - Distribution?

109.

Advancement

1. When the donor continues it
not be the condition when it continues. Hallam
(Foll. 377. 8. 2 P.W. 440. 441. 1 Ex. Ch. 240. 266. 440.)

• If being continuing, it is a rule of value &
it may be looked into how much of the whole dis-
tribution is made at once: ^{But} the rest may be
equally divided out at a con- tinued rate if it
continues to happen, if portion shall be
distributed, so as to make all of the advan-
ments equal. (Foll. 378. 2 P.W. 442. 440.)

• But if it continues must be limited to
some time, if portion cannot be re-
garded as an advancement. (Foll. 378. 2 P.W.
440. 445. 447.)

State, if not advanced at a set only for
benefit of the child, not advanced: the
widow during no benefit from it: She has
her share of the other property only, without in-
ding the portion. (Foll. 378. P.W. Ch. 182. 184.)

• If a child advanced, die in intestate
life - time, leave child: they are sub- ject to the
clause relating to advancement. (Foll. 378.
2 P.W. 500.) if they take only on his right, a
what the child have to pay if living.

A portion, a advancement, in person, property
as well as in land &c. is within the clause.
(Foll. 378. Com. & Adv. ^{Ch. 25} 4 Bourn. E.L. 344. 2 Tm
518.)

But small sums of money, a trivial sum,
as well as, a watch - wedding - clothes &c. (Foll. 380.
3 P.W. 317 180. 10. Ansell 189. 3 R. 520)

110⁶ 22-37
Henry Child's

Ch. 2. London? Distribution.

Advances

The money advanced to the maintenance
of the child (Toll. 38.2 Rec. 75)

+ A rule founded
in analogy to
by the Court
of London.

It is in English law, and is not a rule
of the Court of London, but is a rule of the
Court of Chancery (Toll. 38.2 Rec. 75)

This rule relates to the case of widows, in the
interstate. But does not obtain here. It is a rule of
the Court of Chancery, and is not a rule of the
Court of London. (Toll. 38.2 Rec. 75)

+ as not lasting
in y. interst
life-time.

It is a rule made for a child by
will, a rule, ^{as it} is a rule of the Court of Chancery,
it is a rule of the Court of Chancery, and is not a rule of the
Court of London. (Toll. 38.2 Rec. 75)

The rule is given to the child by a will,
and is a rule of the Court of Chancery, and is not a rule of the
Court of London. (Toll. 38.2 Rec. 75)

large, but
similar to, no
high?

II. It is a rule, and is a rule of the Court of Chancery,
and is a rule of the Court of Chancery, and is not a rule of the
Court of London. (Toll. 38.2 Rec. 75)

+ to kindred,
more distant, &
they can take
by representation

The mode of execution of the degree of value
of the kindred is of the Court of Chancery, and is not a rule of the
Court of London. (Toll. 38.2 Rec. 75)

Under 1st 22nd
23 Car. 2.

Ex. & Affin. - Distribution

111.

When true each person, ^{ascent & descent} In other words,
in no child ^{by} taking y^e sum of y^e degree, in both lines, ^{& from} the
com. ancestor, & y^e ^{sum} is y^e degree of kindred be-
tween y^e parties. Foll. 87-9. 382. 2 R. 207. 504. Re.
Ch. 503.

Thus, a brother or sister of intest^e is related
to him in y^e 2nd degree - viz. from intest^e up to
to his father is one degree - thence down to y^e brother
is another. - An uncle, in y^e 3rd - A nephew
in y^e 3rd time - A cousin-german, in y^e 4th.
Foll. 88-90. 4 Barn. E. 2. 155.

+ 22, 23. Car. 2.

if he left
issue

Under y^e words "next of kindred in and
in y^e Stat. of Distribution +
if he left issue" - How his death, y^e mother
inceded but a part of y^e intest^e to y^e ex-
clusion of his brother & sister - & to y^e intest^e effect,
if he left neither son, nor widow: And so
y^e law still, in favour of y^e father (Foll.
382. 2 R. 577. 570. Anst. 182.

St. 2.

But by Stat. 1 Jac. 2., if one, after y^e death
of his father, but in y^e life-time of his mother,
is intest^e, without wife, or children; his
mother takes only an equal share, wth each of
his brothers & sisters, & their rep^s. Foll. 382. Jac.
20. 1 P. 48-9. 2 R. 574. Com. 2. 30.

Reason of y^e law? But otherwise, y^e mo-
ther might, by marrying again, transfer all
y^e property to another family to y^e exclusion of
her own children.

But a step-mother by y^e intest^e is not
entitled to any share - not being of his blood.
(Foll. 383. 2 P. 16. 216.)

174.
Windsor 22
223 Ess. 2.

Ex. & Chanc. Distribution

Hobbs, 174.
Savory of Decemr
at con. law

Kinship of y^e half blood are equally en-
titled, w^t those of whole blood in equal de-
gree. In y^e distribution of personalty, y^e under
y^e stat. proximity, & not quantity, of blood gives it
the right. Intest. leaves Brothers & Sisters of y^e half
of y^e whole blood: they all take equally. (Foll. 374. 4th
ed. Conn. R. Chanc. 209. 1st ed. 376. 2d ed. 173. 1st ed.
437. 2d ed. 124. 4th ed. 51. 7

7 Conn. R. y^e half
blood or only
half shares.

So y^e stat. gives y^e no distrib^t be-
made, till a year has elapsed, from y^e
death of y^e intest^t y^e y^e intest^t in y^e stat.
distribution share, w^t on his estate.
Hence if a relative entitled to a share
dies, within y^e year, his share will go to
his wife: (Foll. 380.) — (The parties entitled
being in nature of resid^y legatees, consti-
tuted by law.) Foll. 385. 4th ed. 51. 2. Conn. 14.
2. 2 Chanc. 285. 3 Chanc. 258. 2 Conn. 507. 3 Conn.
429. 2. 3 Conn. 422. / 4 Conn. R. 347.

At-Intest.

Relations like by marriage, (except in
y^e ca. of y^e wife of y^e intestate), gives no
title to a share in y^e distrib^t. Thus, if a
son, dying before his father, leaves a widow, she,
if she ^{by y^e blood} has no share, under y^e stat. as
if his children had all died before him,
will leave widows, or widowers. — They are
not, as widows of y^e kin to intest^t.

And a wife, tho' expressly entitled by
y^e stat., is not, in any legal sense, of kin to
her husband. — Hence if one bequeaths an-
other's estate to his next of kin as
if he had died intestate, his widow is
held not entitled to a share. Foll 380 14
Var. 222; because not of kin to him.

1 Stat. Con. 275-276. of any; one half of y^e person's body,
or 273.

But if there be no children, nor y^e
Halter have relat. to distribution, Will there be no widow)
of whole blood, & then relat. 1st
the whole goes to y^e intestate's brothers & sisters,
(see)

2. If none such - to y^e parent, & parents
of y^e intestate:

3. If none such - to y^e intestate's brothers
& sisters, of y^e half blood:

4. And if none such - to y^e next of kin,
in equal degree, & then relat. "those, who
legally represent them." #

Kindred of y^e whole blood to take, in
preference to those of y^e half blood, in
equal degree:

And no represent. to be admitted,
among collaterals, after brothers & sisters
children.

(From v. last prov. it is manifest y^e
y^e words, "those, who legally represent" y^e next
of kin, in y^e above clause (re. whole, &), are
negative, & of no effect. Those words ought,
strictly, to have followed y^e words, "bro-
thers & sisters of y^e half blood," in y^e third
clause, & are, obvious, & related to those
words, in y^e construction of y^e Stat.)

If y^e real estate - (except such a glia-
tate as y^e "by descent, gift or devise from
his parent ancestor, or other kindred") - & no
widow has 's in life"; & y^e residue, or (if there
is no widow), y^e whole - ~~then~~ after payment of
debts & charges - is to be distributed in y^e same
manner, as y^e personal - in accord to y^e provisions part!

* The words, quoted,
are misplaced (see
infra, "no represent."
v.) & rather in-
serted, in margin.

^{in the first 4. had y^e legal int^y}
 + In these, y^e int^y Legal & eq^y are those wh^{ch} constitute, at law,
 of y^e debt^r must have been legal. & found for paym^t of debts, according to their
 + ex. equities & priorities: Equitable debts, such, as can
 be redeemed, & in the case of a debt, only by a debt of eq^y nature, therefore
 are treated as such, & are paid, according to y^e rule of eq^y i.e. by a
 debt of eq^y nature. (Toll. 412. 1 Roll. 920. 1 Bro. Ch. 127. 2 P. W. 410. 2 T. R. 135. 1 P. W. 410. 2 T. R. 135. 1 P. W. 410. 2 T. R. 135.)
 342. 4th 303. 2 T. R. 403. n. d. 1. 310000. 430. 2 P. W. 410. 2 T. R. 135.)

In the case of no priority, even at law, be-
 tween debts, by record, specially & simply. Count
 the above distinction is, therefore, of no practical consequence.

Land devised to a trustee, to be sold, for
 payment of debts, is equitable as to y^e trust
 can be enforced only in eq^y. (Toll. 412. 1 Roll. 920.
 4th. 265. 1 T. R. 63. 2 P. W. 405. 1 Bro. Ch. 127. — See also
 off Ex. 74-5.

+ If a man power is to be given to him.
 2nd. 7. 20. (as y^e rule now appears to be), if a man
 to an ex^{or} for such a benefit, (Toll. 413. 414.
 1 Bro. Ch. 127. 8. 2 T. R. 395. n. 1. Co. L. 113. (n. 2) 2 P.
 W. 552. — 2 P. W. 410. 2 T. R. 135. 1 Bro. Ch. 408. 2 Atk. 50
 2 Bro. Ch. 74.
 (According to y^e older opinions, however, y^e
 debts, in y^e last ca. were deemed legal.
 Toll. 413. 414. 1 Roll. 920. Co. L. 230. 1 Bro. Ch. 135.
 135. (note.) 1 P. W. 151.)

So, where land, charged wth payment of
 debts, descends to y^e heir at law. (Toll. 413.
 2 T. R. 395. n. 2. 1 Bro. Ch. 24. 8th. p. 20. 1 Bro. Ch.
 127. 8th.) — Formerly, holden contrary i.e. y^e y^e
 debt was legal. (Toll. 413. 1 P. W. 430. 2 Atk. 270. 2
 P. W. 410. n. 2) Because y^e trust must be enforced in
 in eq^y.

These are marked as upon similar
principles, in Law of Equities, See Table.
440-440. 3 P. 11. 323. 1 St. 422. 2 St. 520. & 583,
in particular rules, & cases. - Ex. Personalty
first applied, unless exempted: and if charged
payable out of real estate: & priorities are &
same, as under last rule.

Not committed.

It was my duty to go, in y^e 2^d Sec. 1st,
or neglect of his duty, is called a Levasanick
Tavil. Hensley him, personally responsible,
for y^e amt so wasted. (Toll. 424. 5th Ex. 15th
Com. & 2^d Sec. 1st.)

Can ex. be made become then success-
ful, in various ways: as by anticipating
destroying, consuming, neglecting, neglecting
by neglecting him, as in extraneous
formal expenses - by raising legacies, to y^e
benefits of creditors - or, in Eng., by paying
inferior debts, to y^e, prejudice of creditors of a
higher order. (Toll. 424. 2^d Ex. 15th. 2^d R. 5th.)

So, if he releases, or cancels, a debt, due
to testator; he is a chargeable, wth y^e amt, & he
then is not a chargeable, or not. (Toll. 424. 5th Ex. 15th.)

So, if he releases any cause of action, ac-
cruing in y^e right of testator. (Toll. 425. 5th Ex.
7th 15th. 4th Ex. 15th. 2^d R. 5th.)

If he mounts a claim to arbitrate, & ob-
taining, by y^e award, less y^e amt, due; he is
answerable for y^e difference. (Toll. 425. 5th Ex.
7th 15th. 100. - (Howard, 9.)

If he takes an obligation in his own name,
for a debt, due by him, or to testator, he
is liable for y^e debt. For a right debt is ex-
tinguished by his act. (Toll. 425. 5th Ex. 15th & 2^d R.
15th.)

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So, if by a compromise, or by giving credit
credit he loses a debt, or part of it. (Toll. 425.
2^d R. 15th. 1st Tem. 474.)

How com-
mitted?

Ex. & Adm. — deceit

If he lends money, on real security, apparently good; he is not liable for a loss of it. (Toll. 428. P. 141. — Post 138.

For other examples, see Toll. 429. Com. J. Adm. 1. 2. Ex. 159. & Com. 307. 28. 3 P. 17. 38.

He is not liable, for not placing a limit on the debt due from him. Toll. 429. 343. 1 Eq. Ca 305. Pre. Ch. 100. 15 top 428.

— For y^e debt remains, & ought, in justice,

+ w^d not y^e ex. to be paid? — (Rule 9.) — No. If he not bound to pay, in law of debt & goods, liability.
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If husband of an ex^t commits a deceit, when he is countess's command, before marriage; both are chargeable — when it commenced after^y, husband alone is liable. (Toll. 428.) (In y^e former ca. he was liable at tack, before he married — a little in ex. latter ca. (Toll. 430. 2 Bro. Ch. 323.

Ex^t after committing a deceit — meaning, both are liable, during course. But husband's liability ceases w^t y^e con^t. (Id.)

A deceit by one of two ex^t does not render his co-ex^t liable. The latter is, in no fault. (Toll. 430. 2 Ex. 51. 2. Eq. 210. 3 Bro. Ch. 74.

As y^e ex^r is representative testat^r, in respect to
 the person: cont^r to ^{in genl} maintain such
 action, to enforce y^e testat^r. himself might
 have maintained. (Foll. 431. 2. Cro. E. 377.
 Latch, 157. 1 Roll. 912. Off. Ex. 55.

Ex. Belton testat^r judg^d by a special chis-
 cor. broken in cont^r for a person & things or, for
 realty, if broken in testat^r life-time - as
 sumpt^r or debt on sim^r. cont^r to be (Foll. 432.
 Com. L. Adm^r in B. 13. Sal. 314. Lat. R. 971. 1502. 2
 Vent. 349. 3 R. 500. - See Cont^r broken, p.

by stat. Westminster?
 So, for action of acc^t, tho' liability to sue
 in Eng. Foll. 433. Com. L. Adm^r in B.

Aut. 71. So, by stat 4 Edw. 3. c. 7, resp^r for "carrying
 away" testat^r goods in his life-time. And tho'
 always been extended, in y^e stat^r mentions only "carrying away" ^{goods} yet
 it is extended, in cont^r, ^{in genl} often in respect to tes-
 ta's person & prop^r. (Foll. 433. 158. Latch, 158.
 Com. L. Adm^r in B.) At com^r law, actio personalis moritur.

Ex. For resp^r on testat^r household est^e
 for cutting & carrying away, his growing
cows to L. 433. 1 Vent. 157. - tho' not goods.

So, for a conversion of testat^r goods, ex^r
 may have traverse, by y^e eq^y of y^e stat^r (Foll.
 433. 4. 158. Mo. 400. Cro. E. 377. Latch, 158. 1 Leon.
 193. 4. Vent. 30.) tho' no conversion now.

In these cas^s of test, y^e com^r law gave y^e
ex^r no remedy.

To, execute, for an order of testa-^{ment} - ^{from} tho' he was seized in fee: For in y^e last c^y action may be maintained, for damages (Toll. 434. 1 Vent. 30. 3 T.R. 13.)

To, (by y^e com. law), replevin for goods detained, in testa's life-time - or detention for specific chattel - or execute for order of testa from a term for years: For in these c^y subject matter, of w^{ch} testa. was deprived, is specifically record^d & y^e title to it is in y^e ex. (Toll. 434. 1 Sid. 82. Latch, 108. Off Ex. 60)

(By y^e stat. 4 Edw. 3)
To, for action a^gt sheriff, for an escape of one in ex^{te}, on judgt. record by testa, tho' y^e escape was in testa's life-time - for a false return &c. (Toll. 435. Com. D. Adm. 13. 13. Co. G. 297. Lo. R. 973. 1 Roll. 913. Stat. 4 Mod. 404. Sal. 12. Comb. 322. 3. Lo. R. 40; "Nothman in port" 40 "Carrying away" in y^e ca.)

To, a writ of error, to reverse a judgt. record a^gt testa, in a personal action. (Toll. 435. Latch, 107.) - [2^d. to reverse testa's attained or? Scint. not. (Toll. 435. Sal. 295. - 4 Bl. 387.) For testa's goods being forfeited by y^e conviction (not by y^e attainder), ex. seems to have no int. in y^e reversal.]

+ any wrong in person^{al} done by w^{ch} testa. has been impaired.
Int^{er} 71.

To, for other torts, done by w^{ch} testa. has sustained pecuniary loss, or dam^{age} (Toll. 435. Latch, 107. Off Ex. 71.)

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But ex. has no right of action, for an injury to y^e, person of testat. - as battery, slander &c. For y^e com. law gave him no remedy; such injuries are not within y^e stat of Edw. 3. (Foll. 435. Com. & Term 4 B. 13. Latch, 105-9.

+ > ^(it is held,) Ex. to an injury to testat's personal - as falsifying his word - cutting his graft: For y^e injury is not to y^e ex. for y^e person & assets, but to y^e heir, who may have y^e remedy. (Foll. 435. 1 Vent. 187. off. Ex. 5. & - Contingent 2) - Spot Ex. for testat. had a right of action, for same, in his life time.

Ex. may ^{by y^e com. law} maintain ^{personal} actions, y^e cause of w^h occurred ^{in right of testat.} after testat's death: Ex. for a bond forfeited after y^e vent. (Foll. 437. Com. & Reas. 2 L. 1. 2 Lion. 212. 1 Roll. 502.

So, on a person & cont., broken after testat's death - or on any species of person & cont., becoming payable, after y^e vent. (Foll. 437. off. Ex. 82. 1 R. 487. 4 Ph. 555. Com. & Reas. 2 L. 1. 5 Co. 31. 6. Ho. C. 225. 1 Dev. 250.

So, for taking away or destroying, y^e uses after testat's death - for trespass on leasehold premises, in ex. ^{as poss^r} (Foll. 437. 1 Roll. 502. 5 Mod. 92. Com. & Term 4 B. 13. off. Ex. 70. In ^{these two last} ca. he may sue, either uses &c., or, in his own indivisi^bl. capacity.

Ex. & Adm. - Remedies for

So, agt. self, for an escape, after testator's death, whether ye judgt. was record^d by ye testator, or by ye ex. himself. (Foll. 438. Off. Ex. 40. 1 Roll. R. 276. 1 Lill. 35. 2 T. R. 128.)

So, on a bail-bond, assigned to him, as ex. to a dec^d p^lff. (Foll. 438. Fort. 370.)

So, on a bill of exchange, indorsed to him, as ex. - & he may sue upon it, as ex. (Foll. 438. 1 T. R. 487.)

So, on any count, made w^t him, as ex. (Foll. 438. Com. D. Pleas. 2 S. 1. Cro. C. 888. 1 Roll. 502.)

Not liable
to costs.

As a gen^l rule, an ex. when p^lff. is not liable to costs: For, ^{he} sue, in right of another, & is presumed not sufficiently cognizant of ye found^d of ye claim, he appears to be consid^d as in fact for bringing an unfounded suit. (Foll. 439. Cro. Jac. 228. 4 Co. 155. Carth 281. 3 Lev. 375. Sta. 582. 3 Bl. 400. Sel. 207. 314. 3 Burr. 1558. 4 T. R. 277. 281.)

This rule holds, whenever it is necessy for him to sue, in his rep^t character, & to name himself ex. (Id.)

Ex. In actions, to recover debt claimed to be due to testator - born for conversion, in testator's life-time &c. (Id.)

Ab. to abatement of writs, the death of
party, & their surviving, for Ex. & Ab.
see Reading, 4-2.

If a parties have a right of ac-
tion, one of you dies, before writ, his ex. & Ab.

41. id. Cont. Cannot join in an action ^{at law} for y^e survivor.
Com. & Abat. 2.
2. 2. Law 100. the entire right of action survives to y^e latter
22. 5. 1. Dissem.
40. 5. 1. 3. 5. Subj. how can he act. for y^e ex. for y^e survivor
dissem. Toll. 445. 15. 5. 1. 15. 5. 1. 444. 1. How 100.
3. Law 20. 1. Carth. 70. 2. T. R. 470.

If a fine cont. is ex. & Ab. the parties must
join in action, in right of testa. Toll. 445. Com.
Abat. 2. Off. 207. 8

537.

Co-ex. are regarded, but as one person,
a pl. Sum. they must all join in action.
on the same ^{have} one testa to prove, or have
refused before y^e act. Toll. 445. Off. 207.
Com. & Abat. 2. E. B. Id. How 2. 2. 1.
9. 3. 1. Law 10. (See Phad. Dir. Declar.)

By stat. 25 E. 3 c. 5, y^e ex. of an ex. has
y^e same rights, as if he survived action, as if last
ex. Toll. 447. Off. 207. Toll. 202. - id. 207.

An ex. he can maintain no
action, in right of y^e deced. Toll. 447. 2. Id. 507.
2. Id. 583.

An admt. may maintain action, in
y^e same case in which an ex. may do it. Toll.
447. Com. & Abat. 2. E. B. Id. Off. 207.

+ for y^e whole debt
or claim - those
has no appts remain
in his hands -

But an ex. ~~or~~ de. may make himself
personally liable - de bonis propriis - as by
^{previous} devastant & in debt a pie. which
to be paid & not, if true, to be a perpetual
bar to y^e action - as ne unquam ex. or a re-
lease to himself. In w^{ch} ca. y^e judgment is de
bonis testatoris, et si non, de bonis propriis.
Toll. 402 & Com. D. Adm^{ty} 1.3. 57 Ex. 57 104.
152 Roll. & 104. 158. 1 R. R. 400. Co. L. 57-2.

It was once held y^t an ex. was liable
in his rel^t ch^t, in an action at law on
his expn promise to pay a legacy in com^{ty}
of appts. And once, y^t he was liable, under
similar circumstances, in his priv^t capacity.
Toll. 405. Com. P. 284. 285.

But these decisions are now ^{both} overruled.
Toll. 405. 5 R. R. 590. Peak. Ca. 3. 3 R. 5. 2
5 R. 593. - The proper remedy is a bill in
equity. (See 3 R. 5. 202.)

Ex^{rs} R. cannot, in gen^l, be held to pay
if they are not in gen^l, personally liable.
Toll. 407. Co. L. 552. 5 R. 53. Co. L. 557.

After if they have wasted the assets, the
suggestion of a devastant is supported by y^e facts.
(Toll. 407. 1 Lev. 27. 2 R. 204. 1 R. 10.)

So, when an ex^r or a pt ex^r shifts returning
a devastant & it is proved y^e judgment.
407. Com. B. 201. 1 R. 13.

At Law

Ex. & Son - Remedies agt 137

As to mode of suing, when there are
two ex. (1st Reading) - when some
are inf. (2nd Reading) Parent & Child, (Toll. 47)

As to remedies agt ex. de son lat see
ante, 81-8.

The foregoing rules, subjecting ex.
as to in gen. to adm. whether the
fund is limited. (Toll. 474-5. Com. D.
At Law 1st Ed. 571 Mod. 474-5)

The ex. of a ~~deceased~~ partum cannot be
joined, as co-debt w. t. y. survivor. For y.
former must be charged de bonis testat.
y. latter de bonis hominis. (Toll. 475 2d Ed.
228) - But we must now subject y. ~~former~~
latter alone, at law - or y. ~~former~~ ^{former} (survivor) in eq.,
if y. survivor is insolvent.

In Equity. An ex. is liable, in eq., to all con-
tinued demands upon y. person & to all of
y. testat. de. (Toll. 476)

As to finding a debt in eq. & remedies,
it may be continued agt ex. de son lat
in eq. remedies. (Toll. 476. 2d Ed. 476-477)

Executors, & known entitled to vesting ^{share} in
in intestacy, have rights in eq. as ex.
ex. - but are regarded as trustees for the
beneficiaries in eq. as to vesting. (Toll.
478 1st Ed. 478 2d Ed. 478 544 575 2d Ed. 478 544 575)

In Equity

Ex. v. Abbot. - Remission of

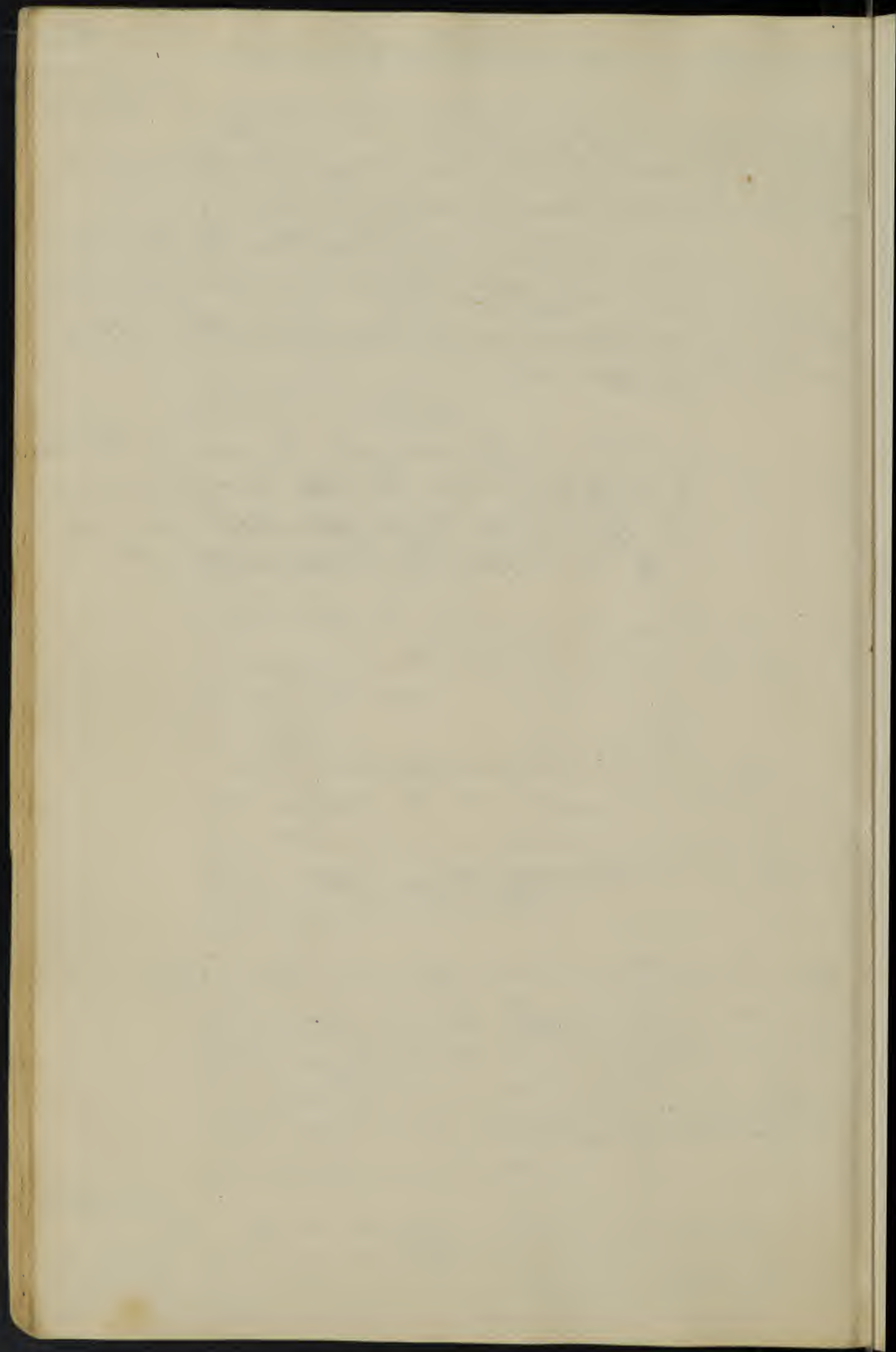
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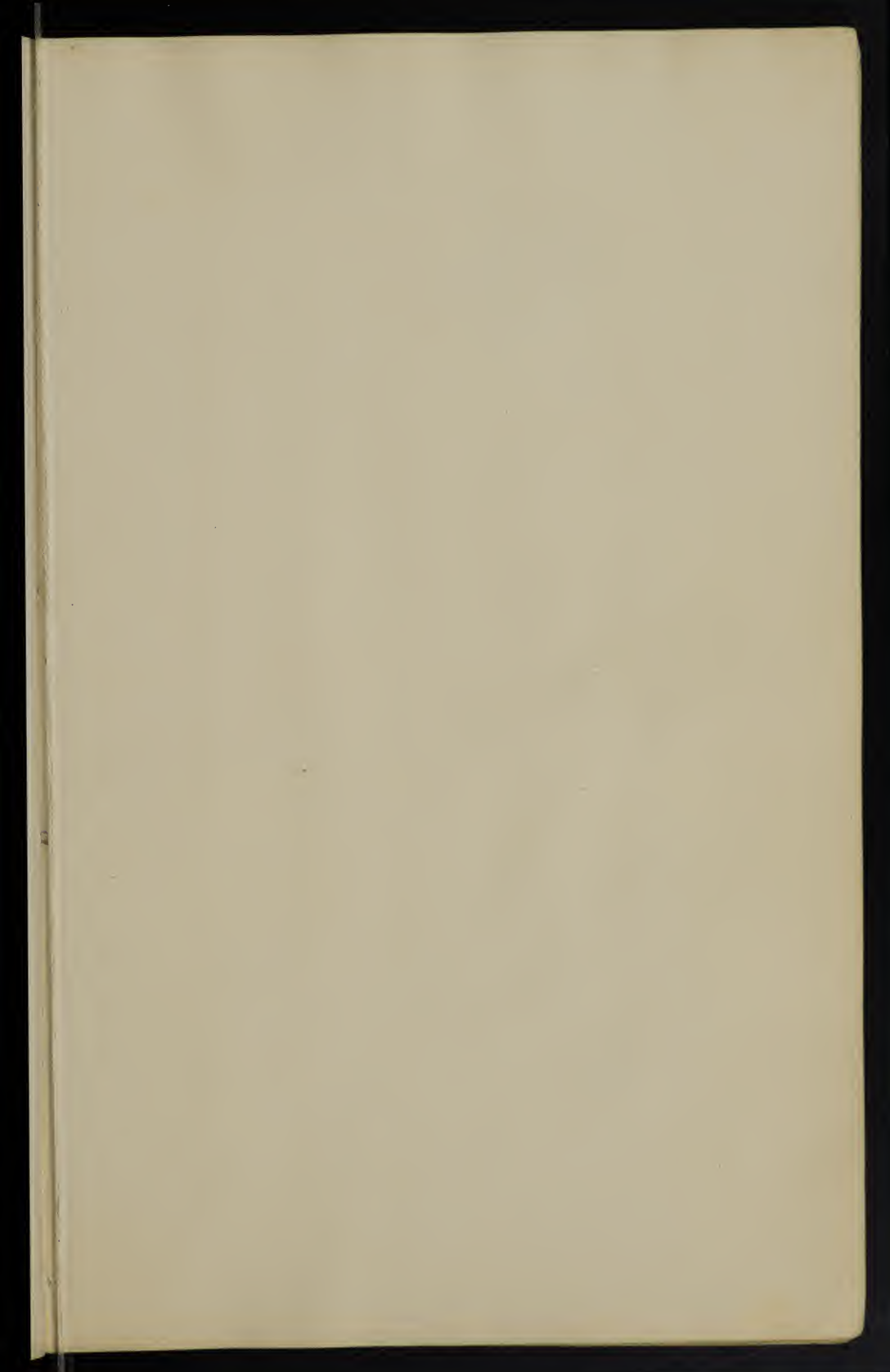
tax, by paying. In quest. he is bound, by an admission
not on revelation of a fact, or implication. But he is
never in his
hands:

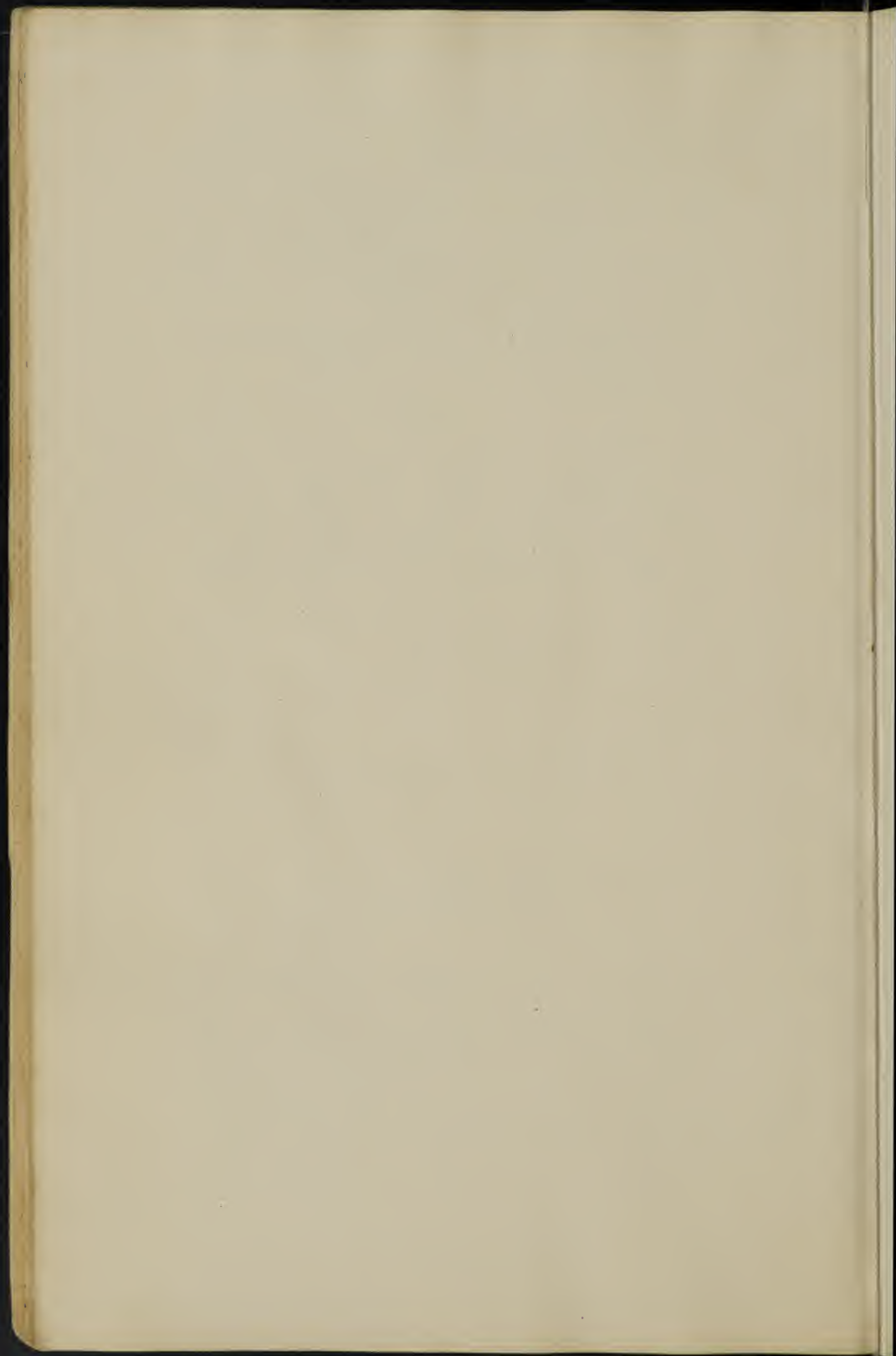
it is allowed to show, y.^t they have been
lost - without any fault (as by failure
of a banker) - or, y.^t y.^t admission was
made, under a mistake. (Foll. 483. 2
Ver. 85

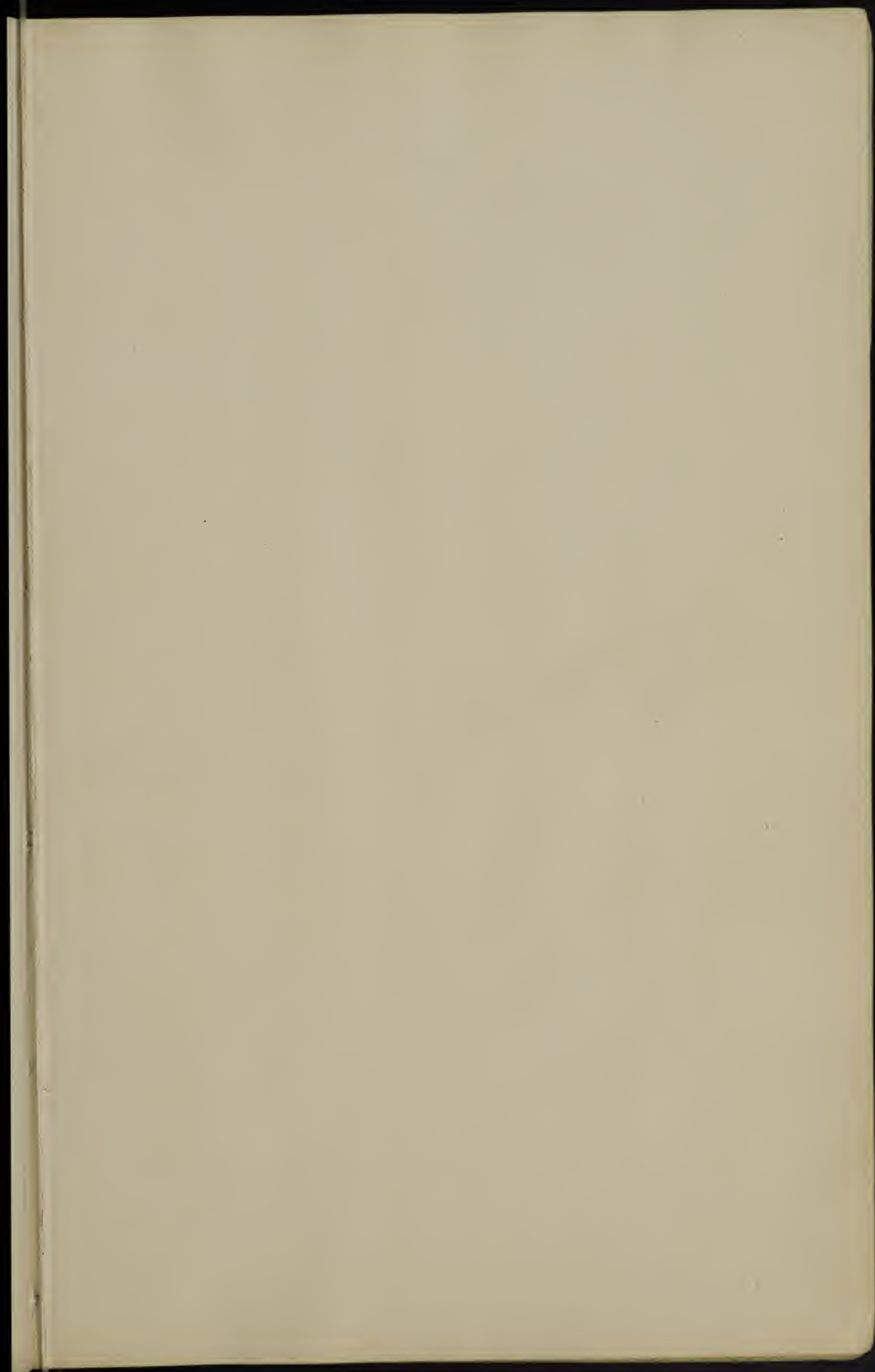
When subjected, for breach of trust
or negligence, he is liable to costs, as well
in 194, as at law. (Foll. 483. 11 Ver. 58
11 Ver. 11. 102. 11 Ver. j. 294. 11 Ver. 468

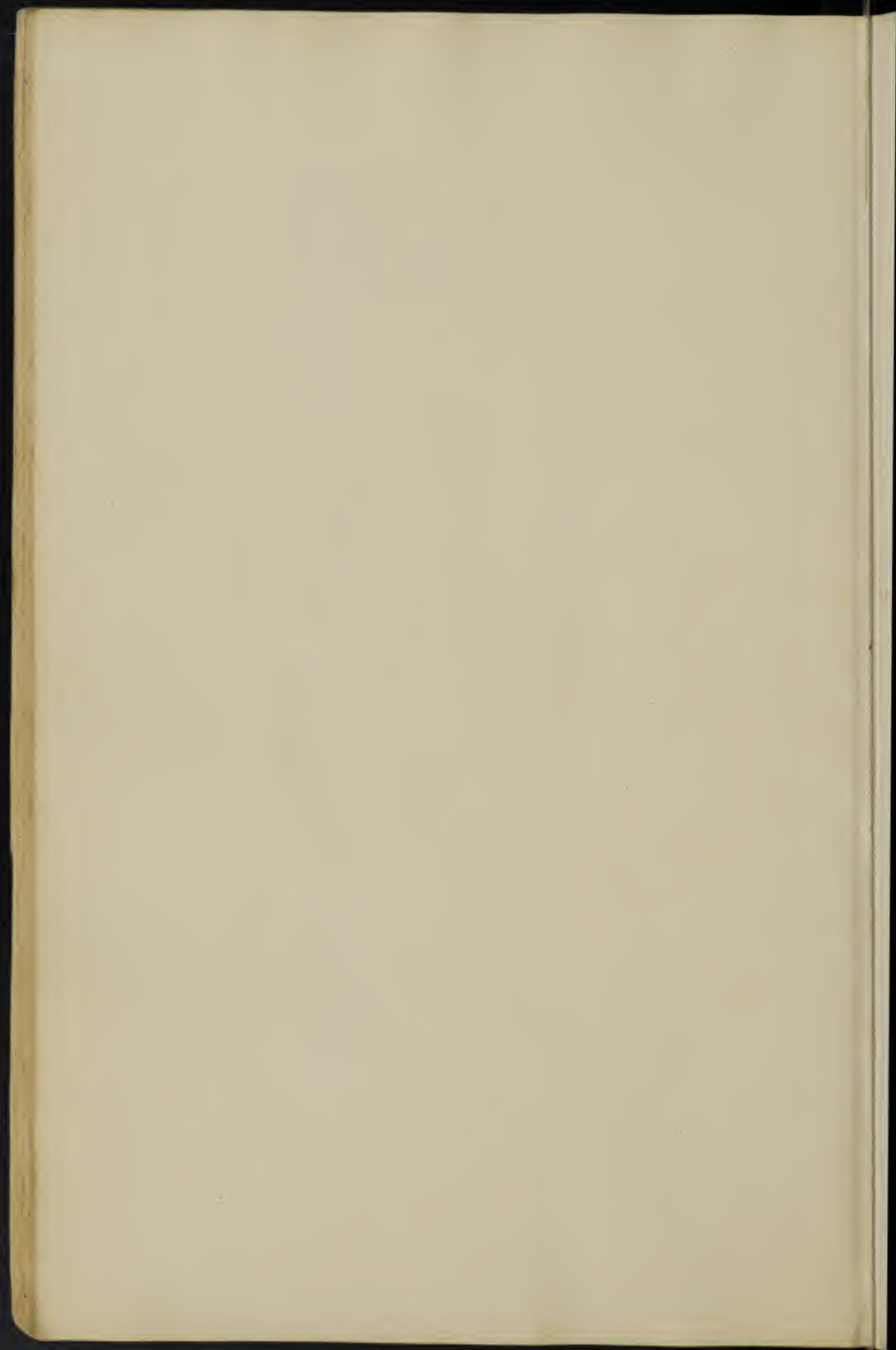
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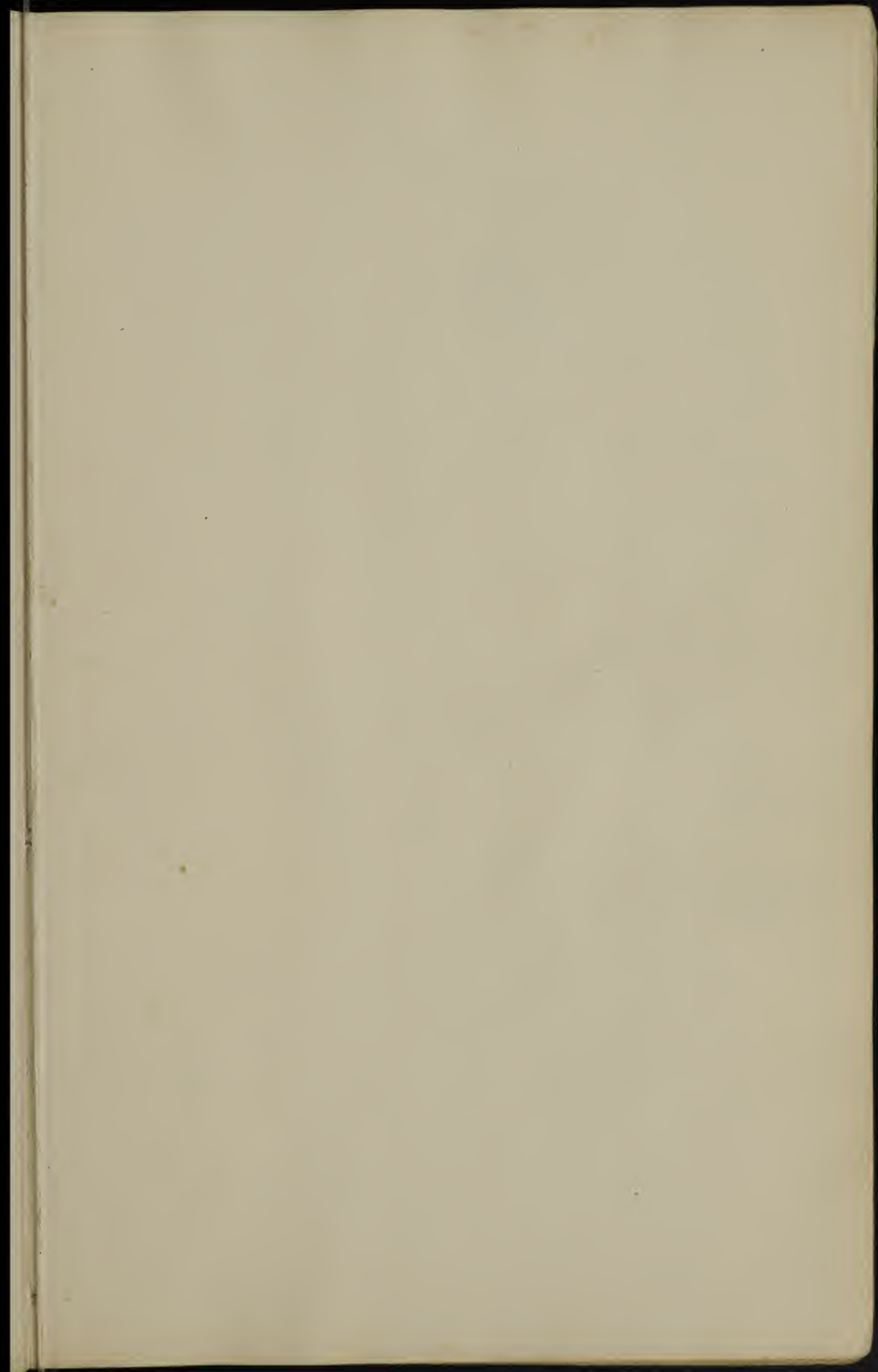


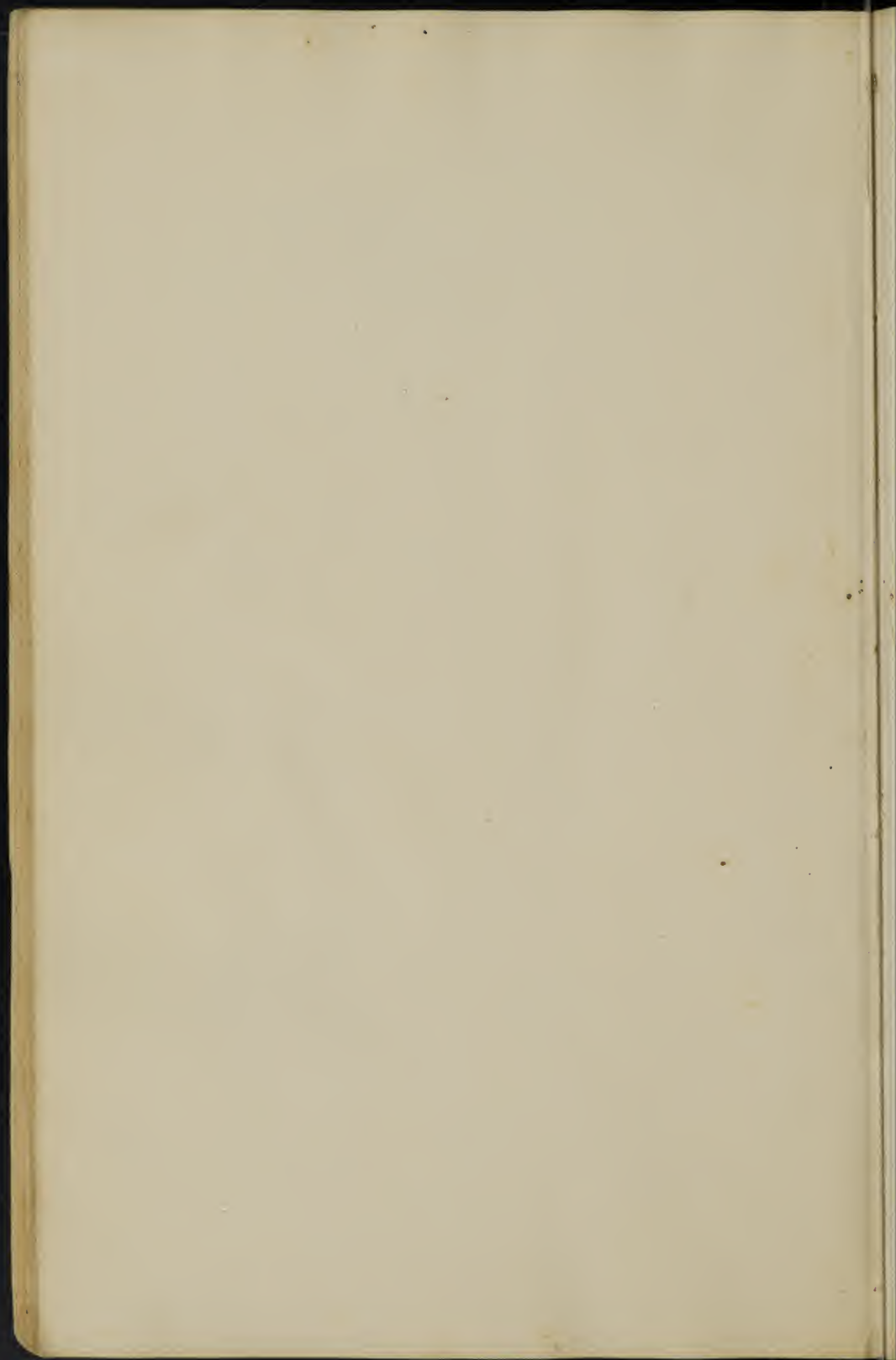


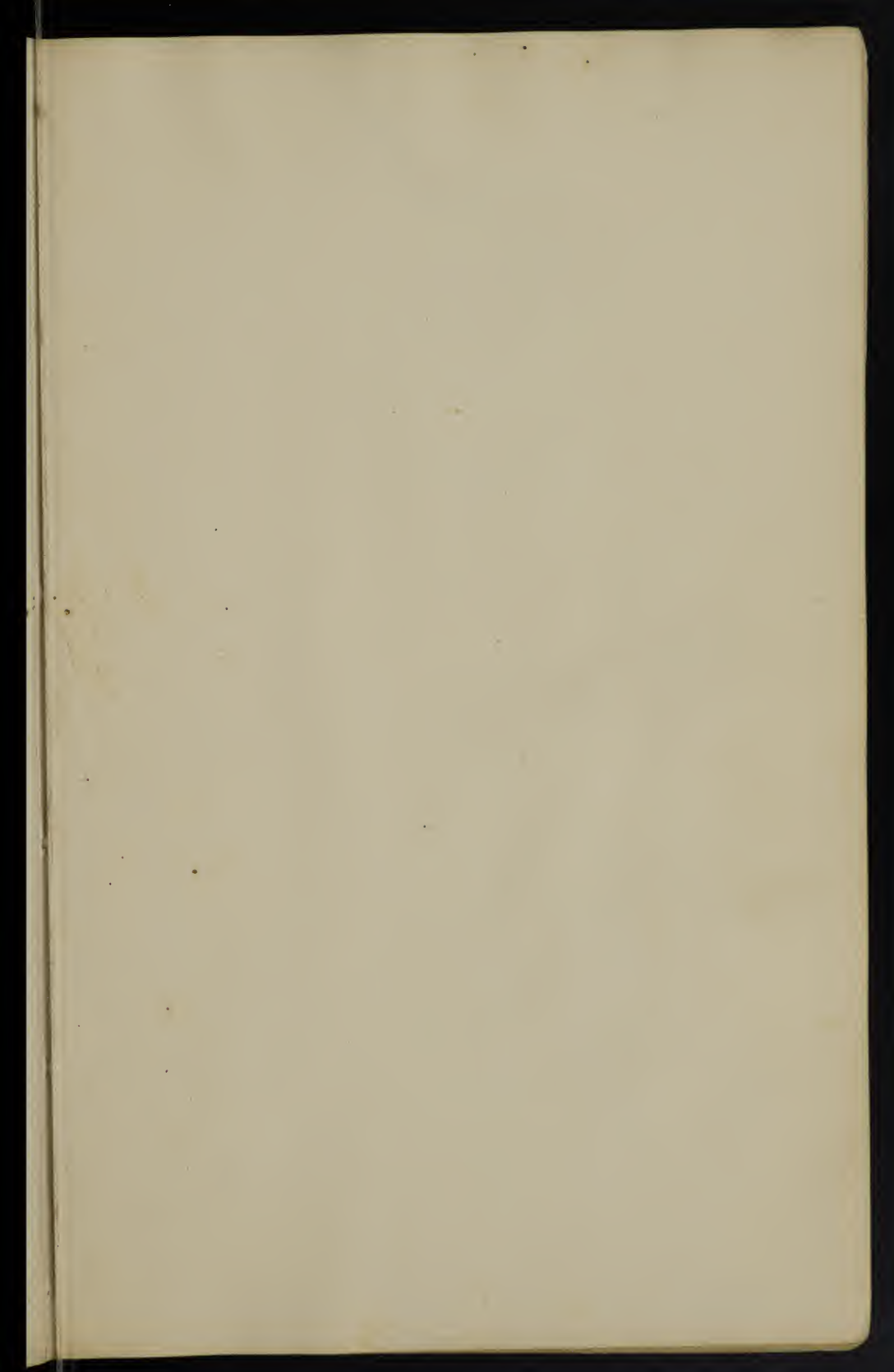


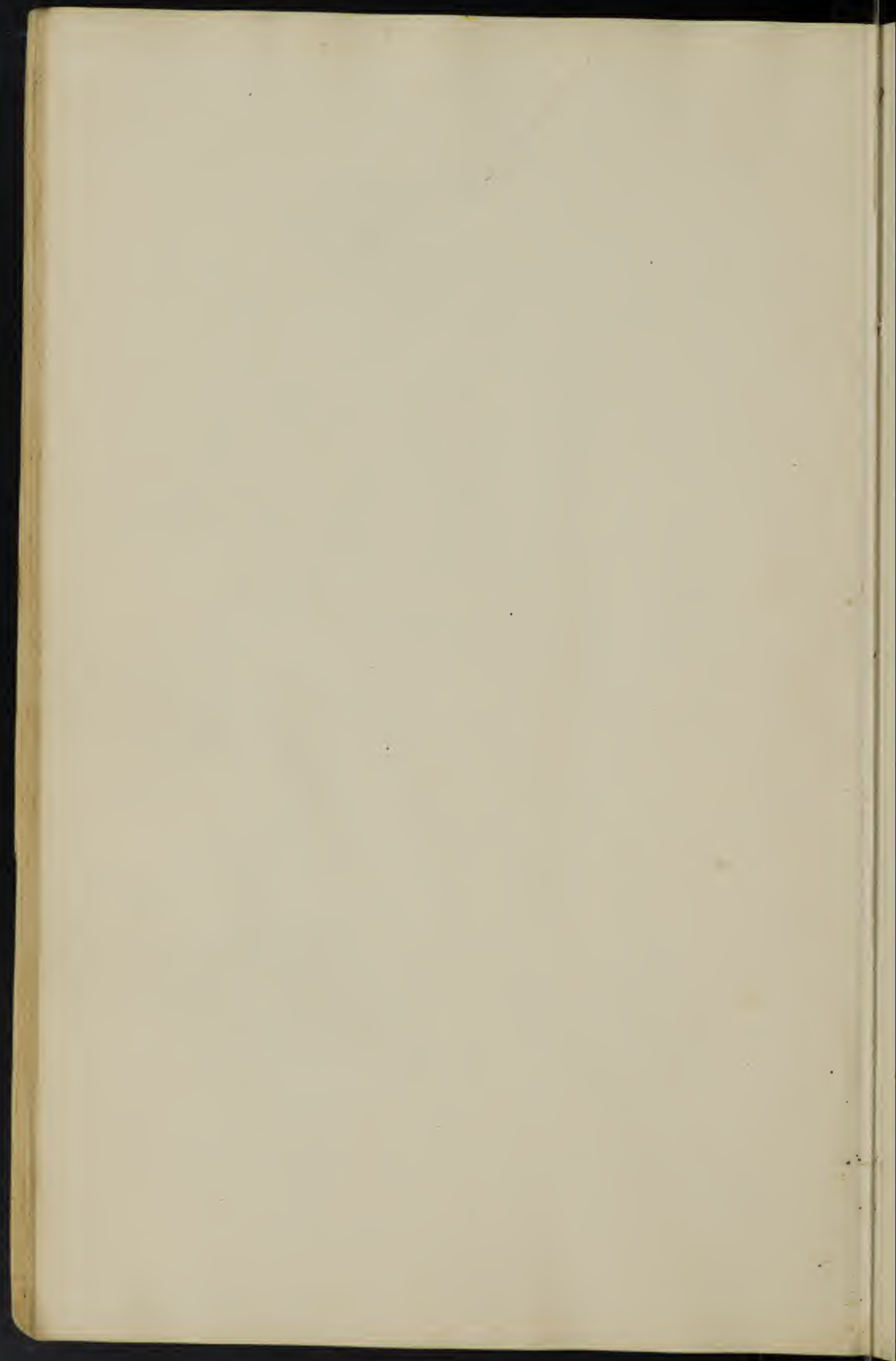


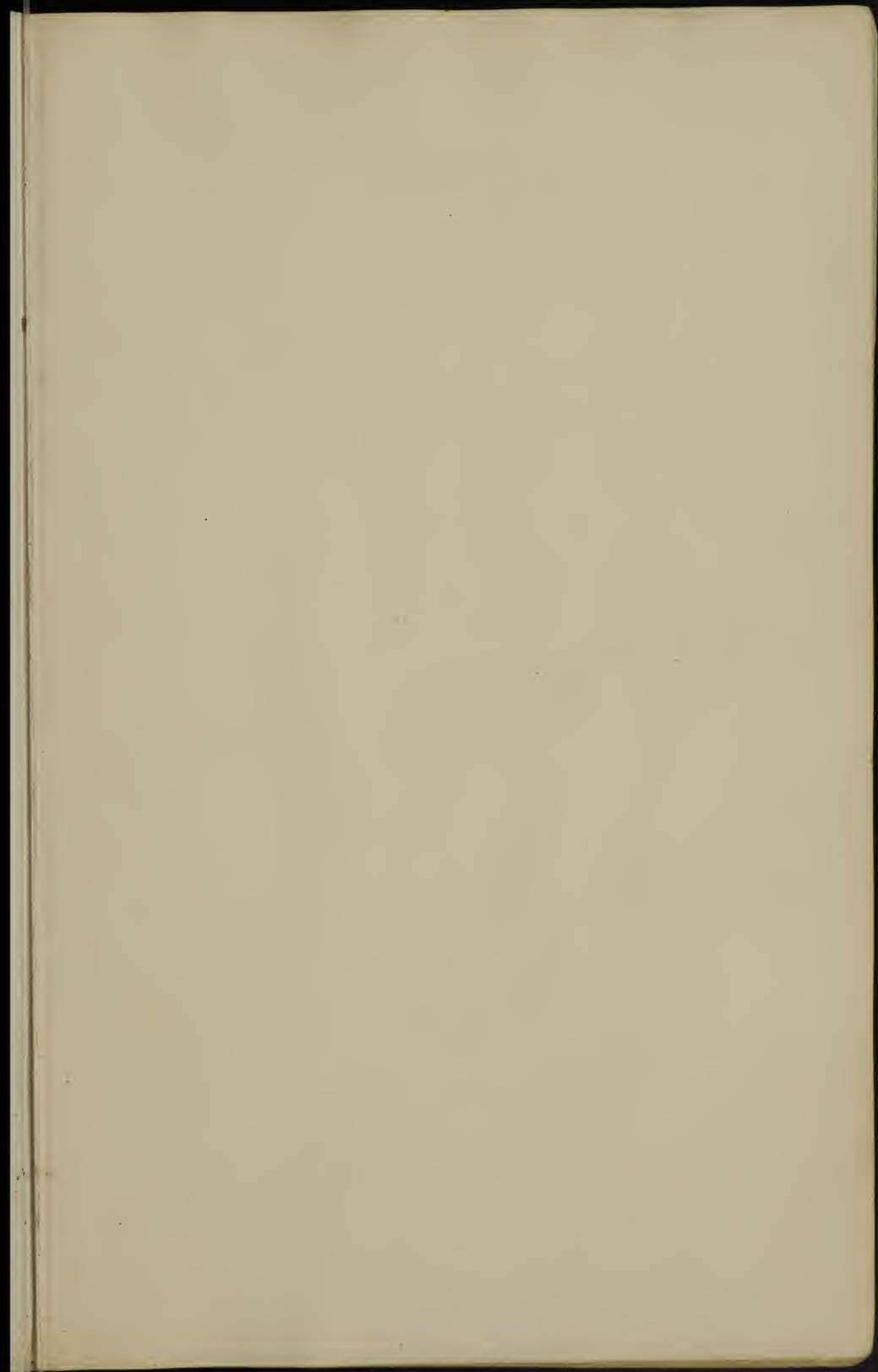


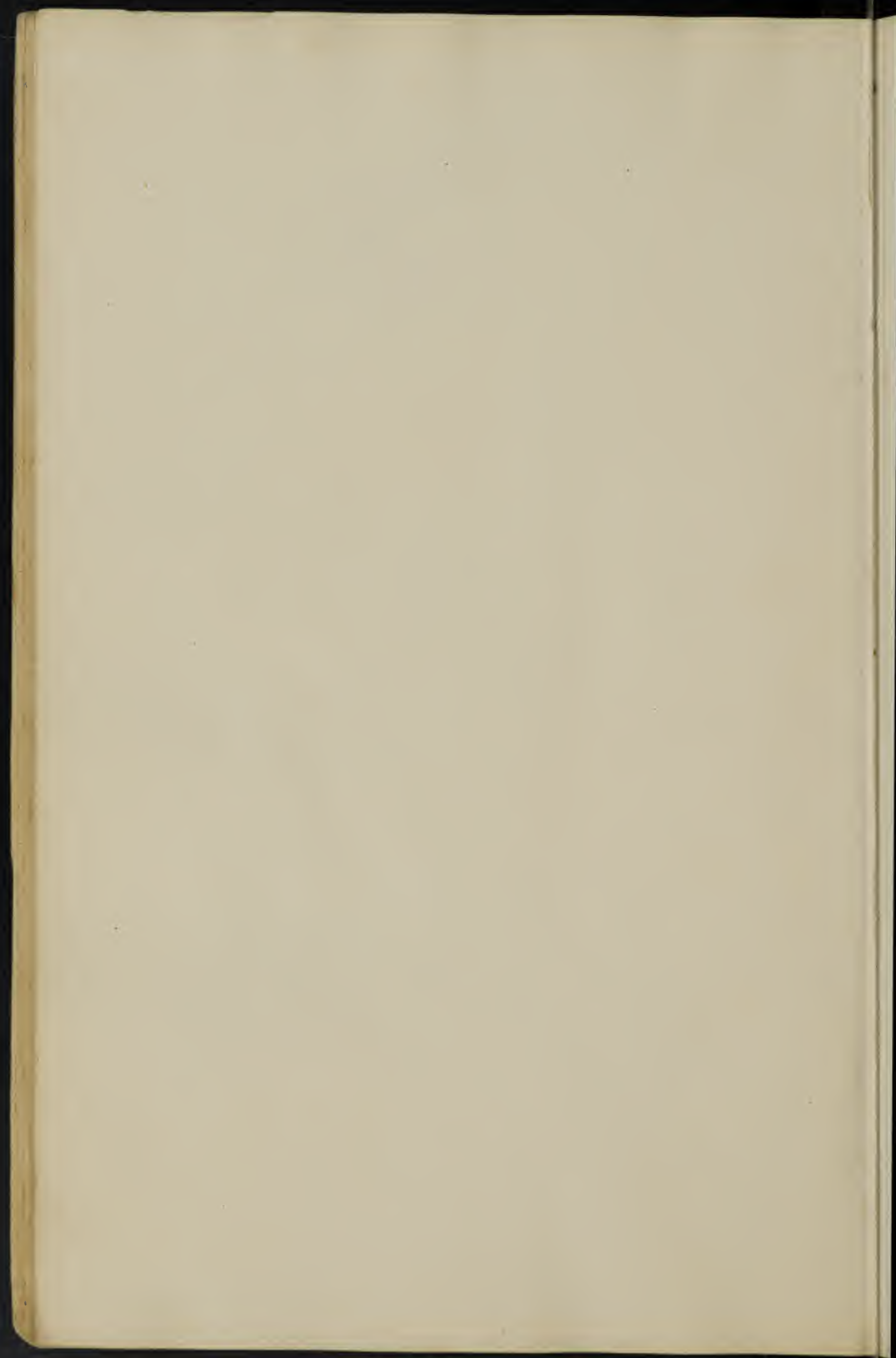


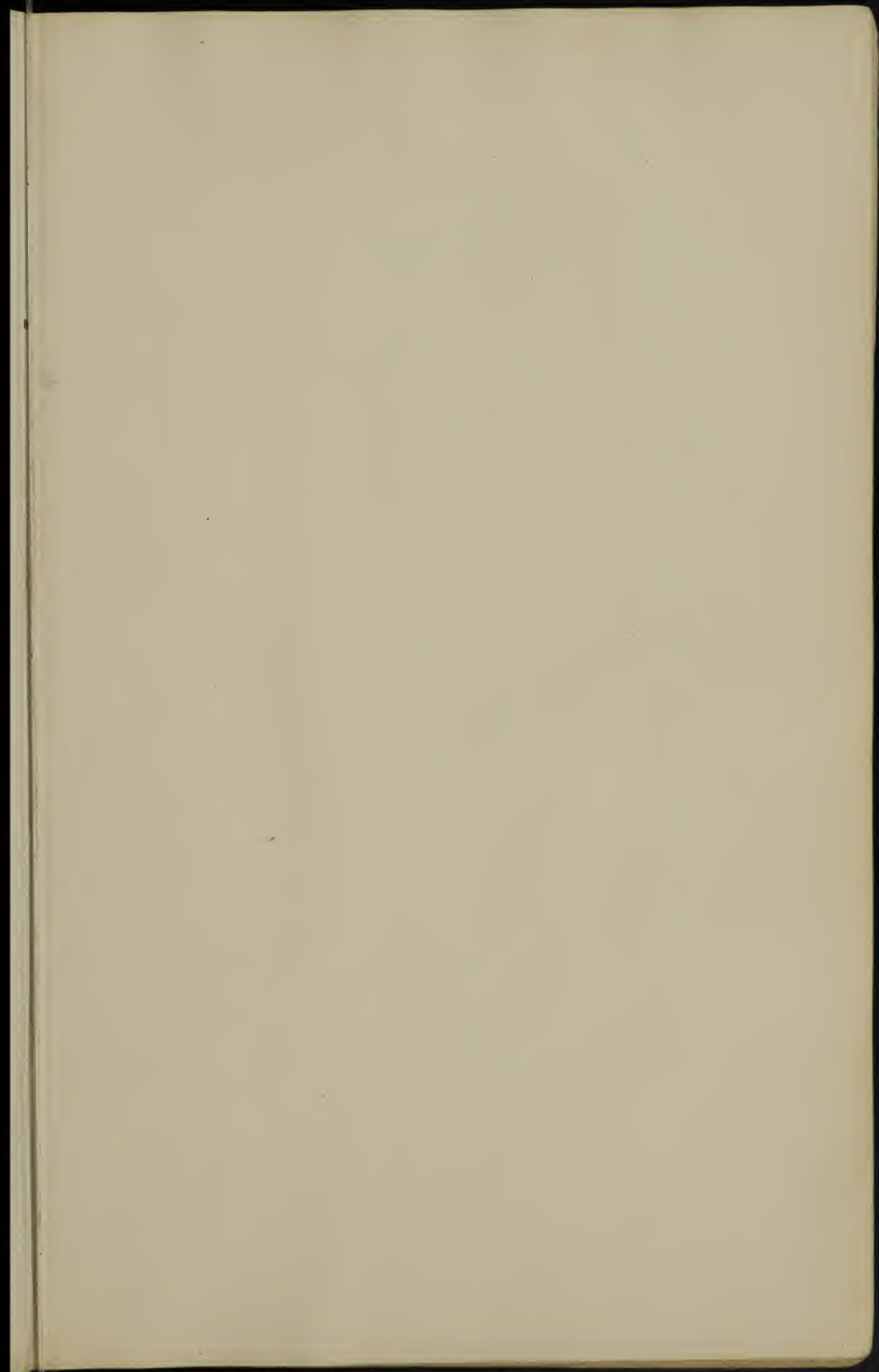


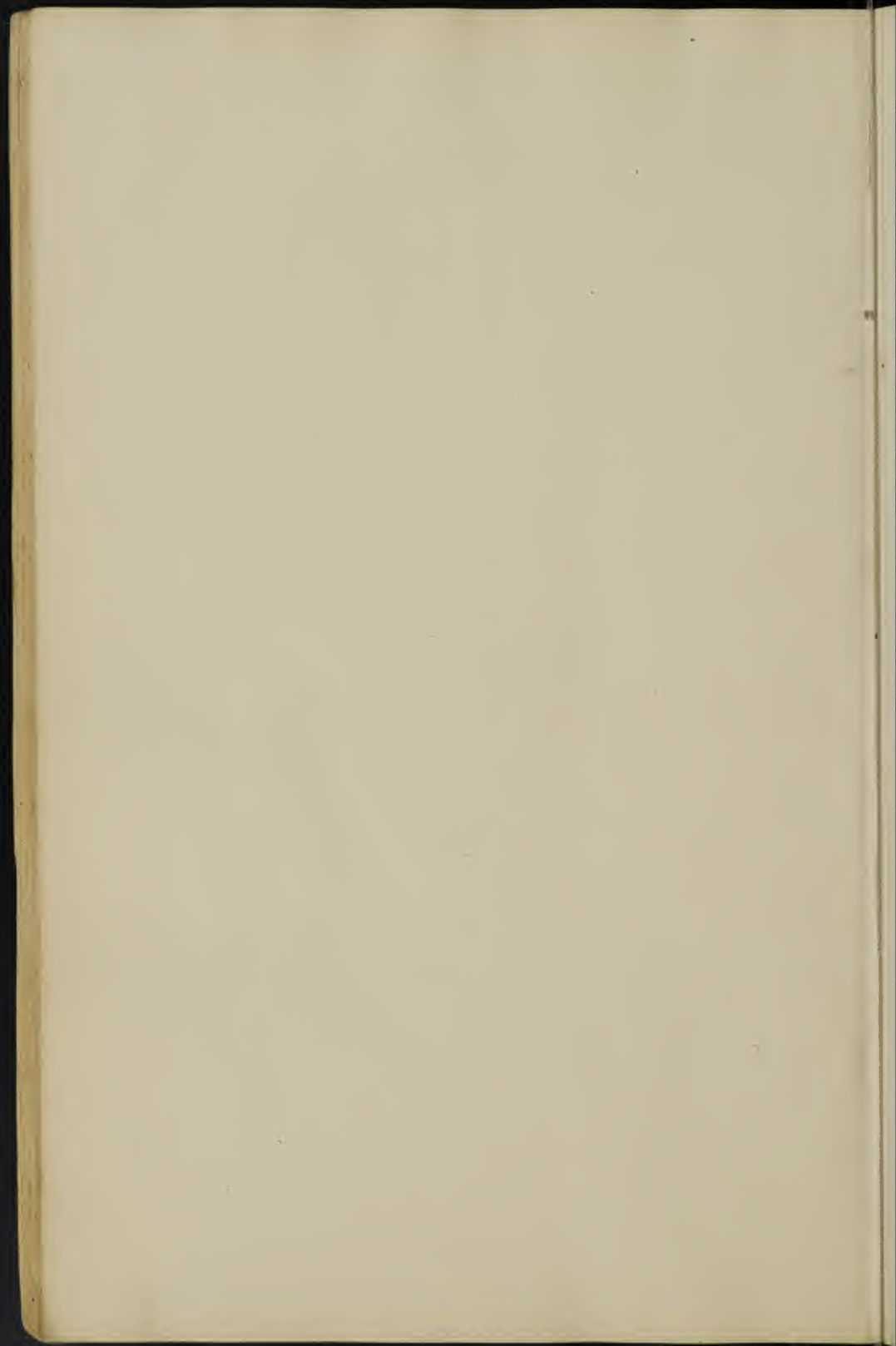


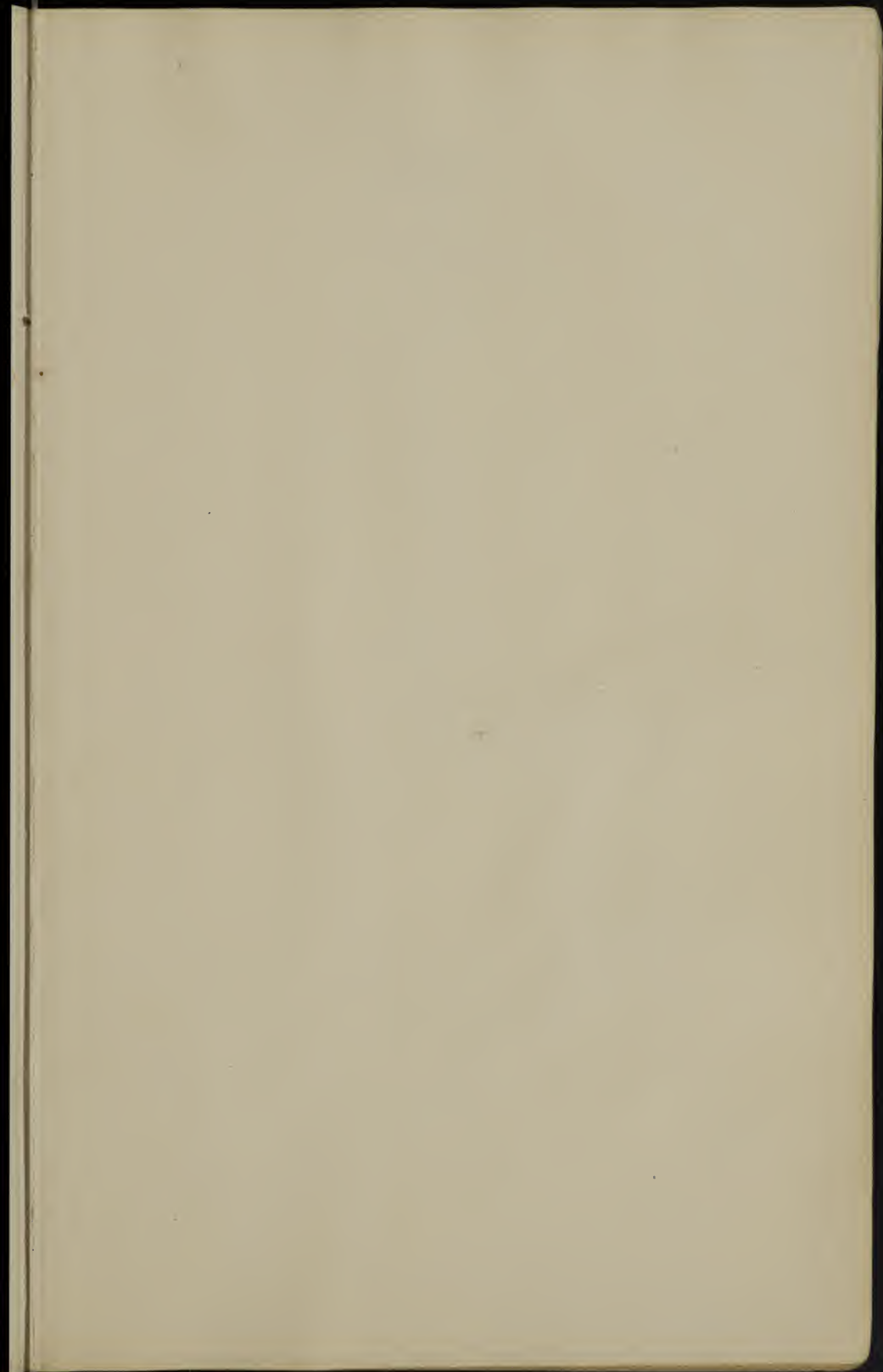


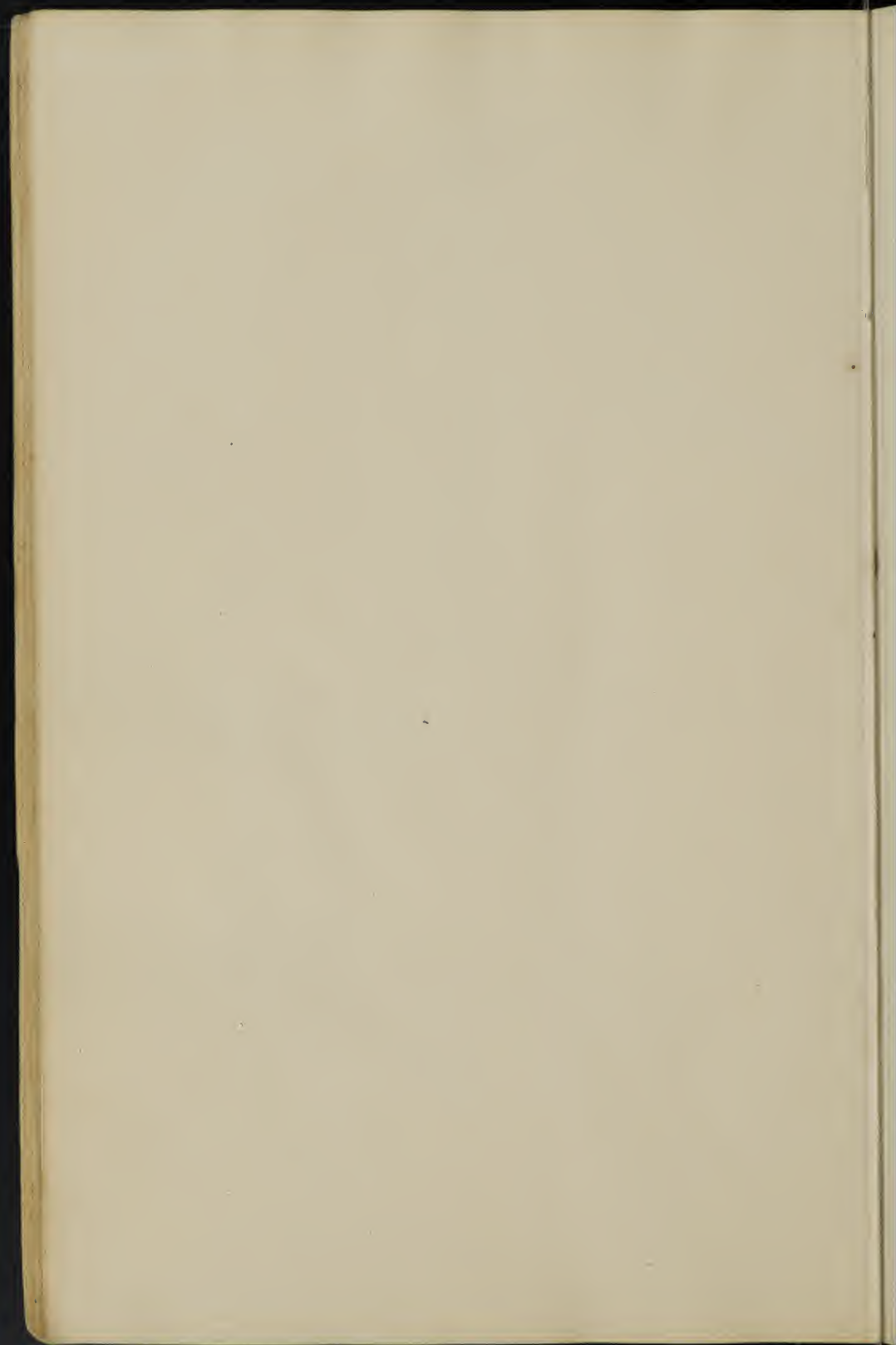


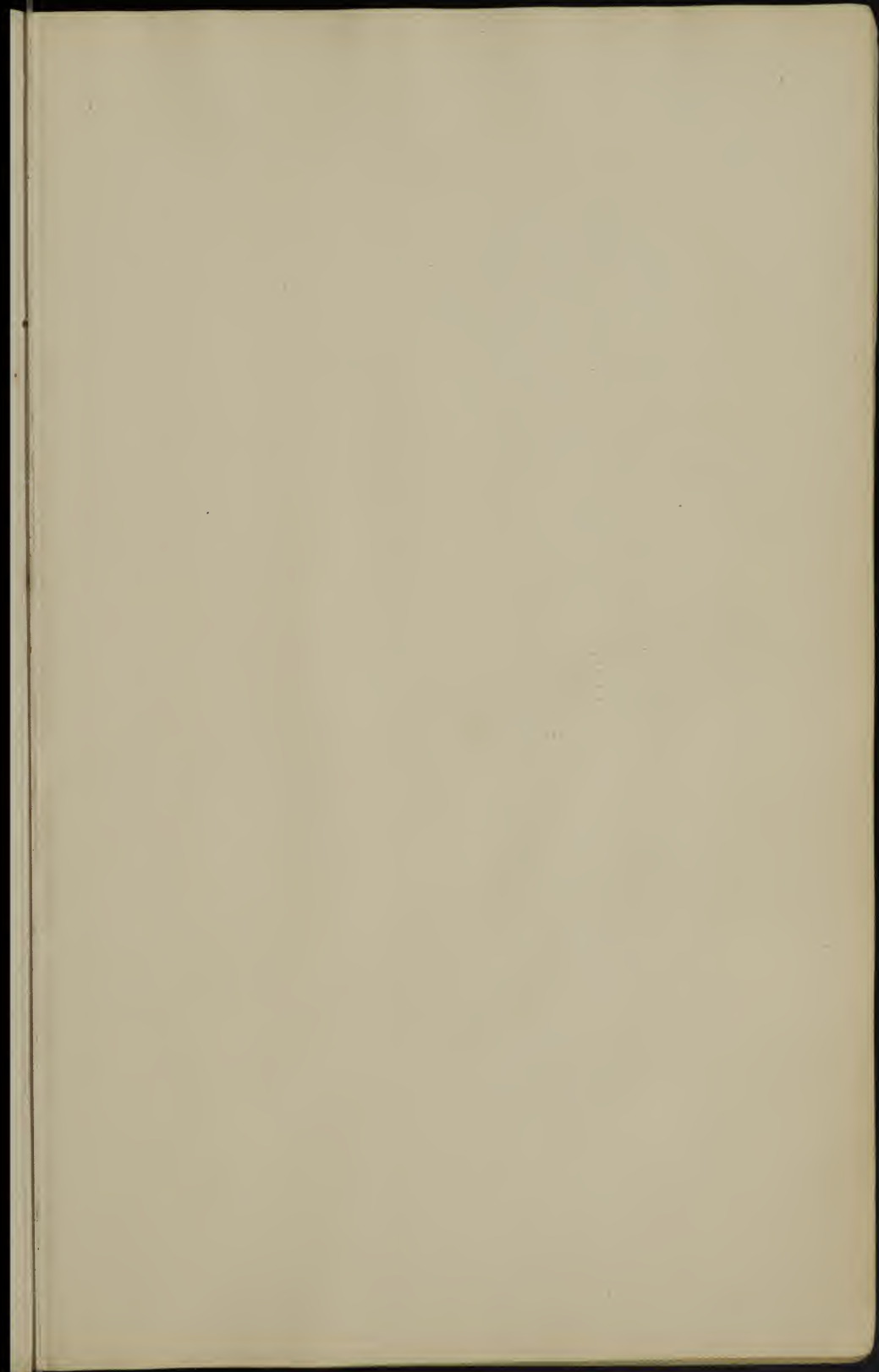


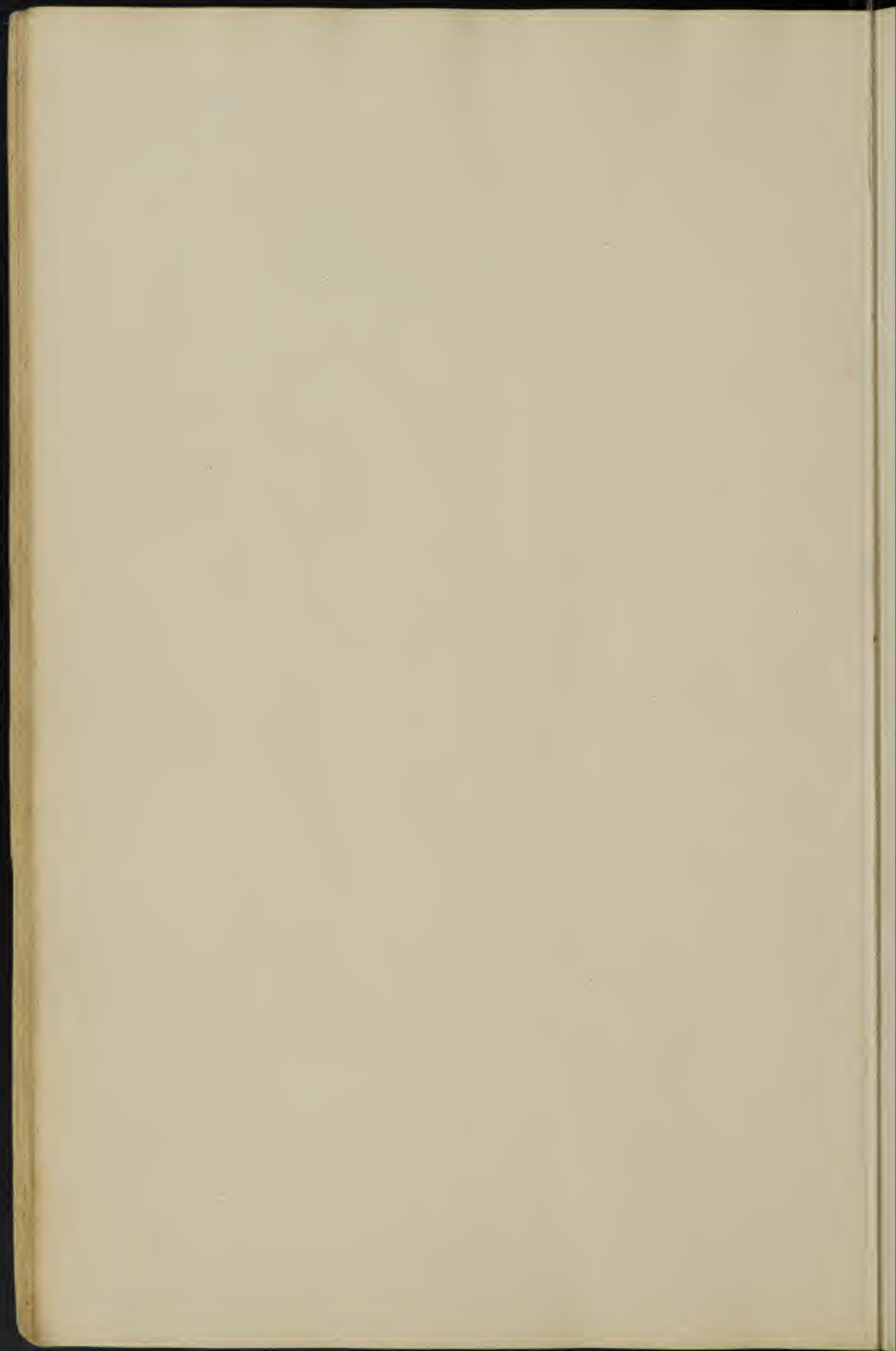


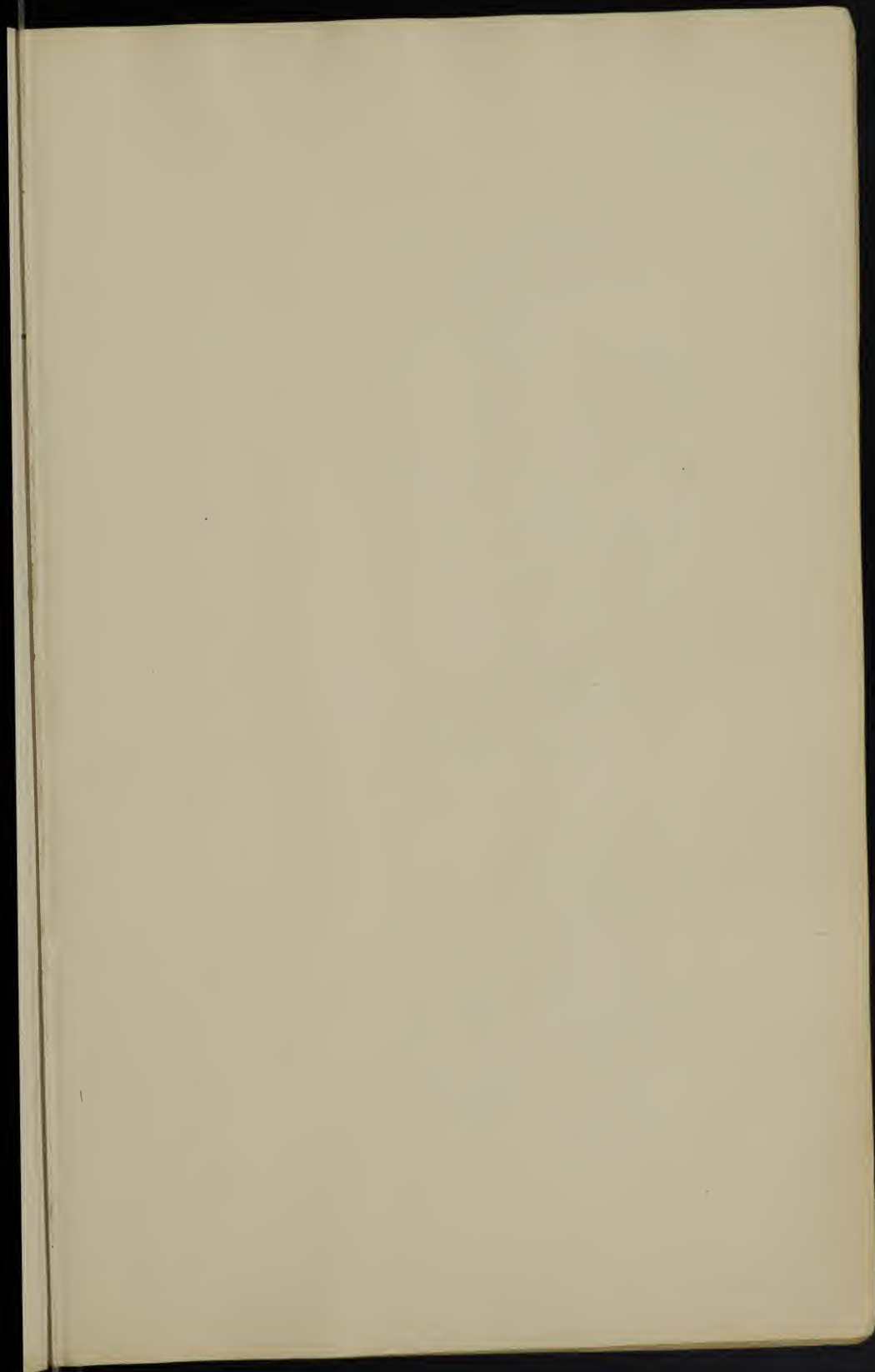


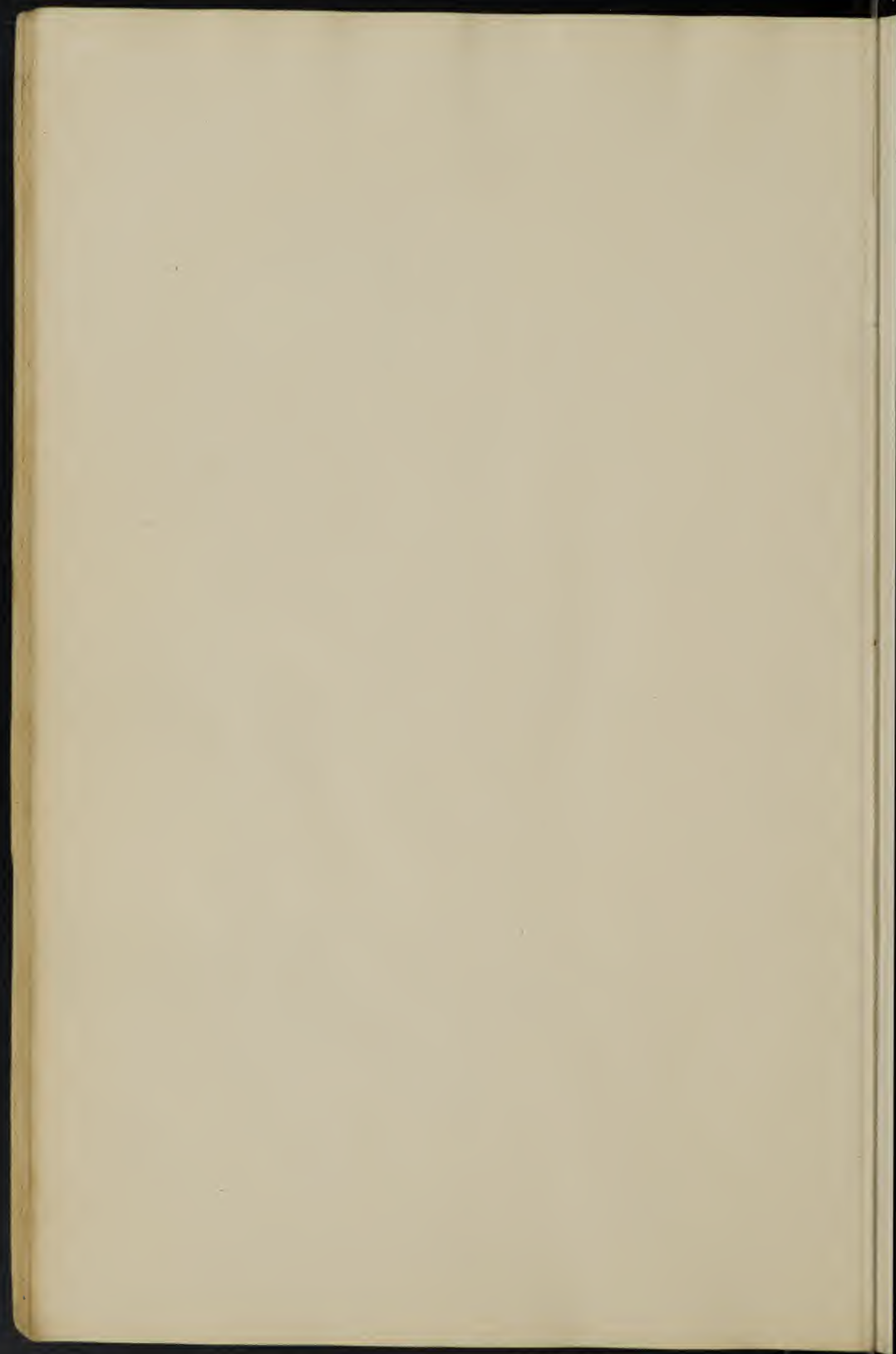


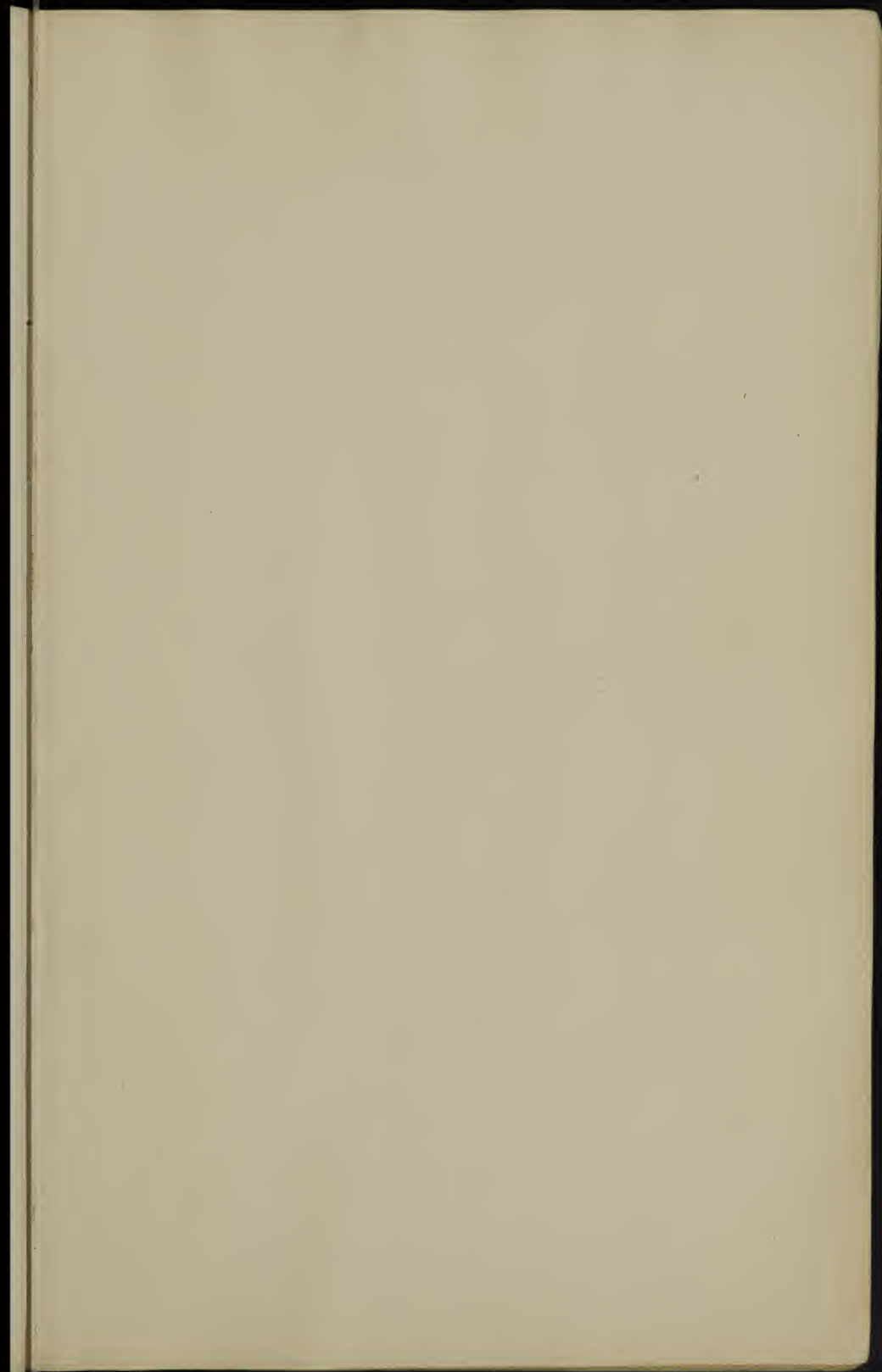


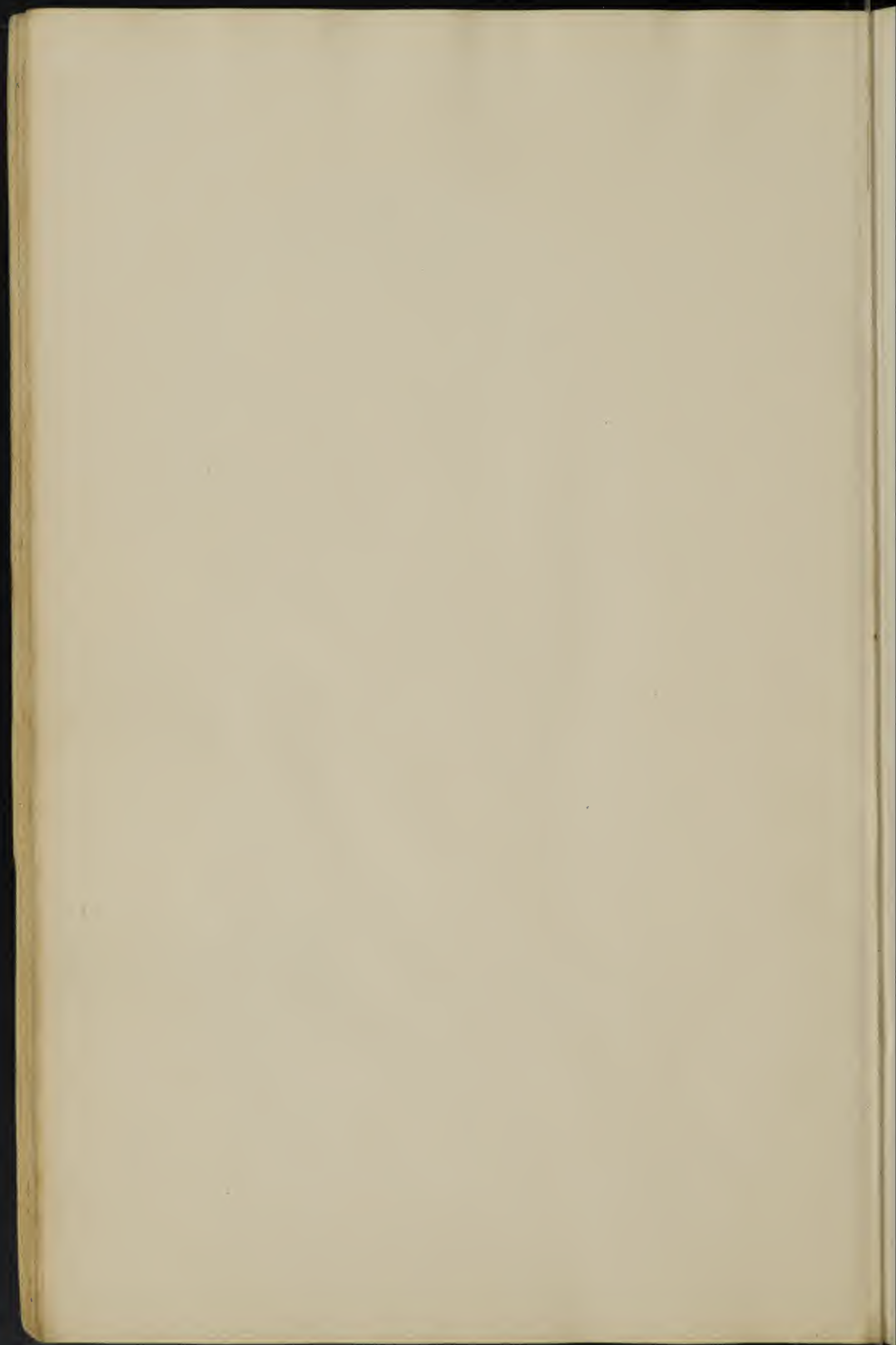


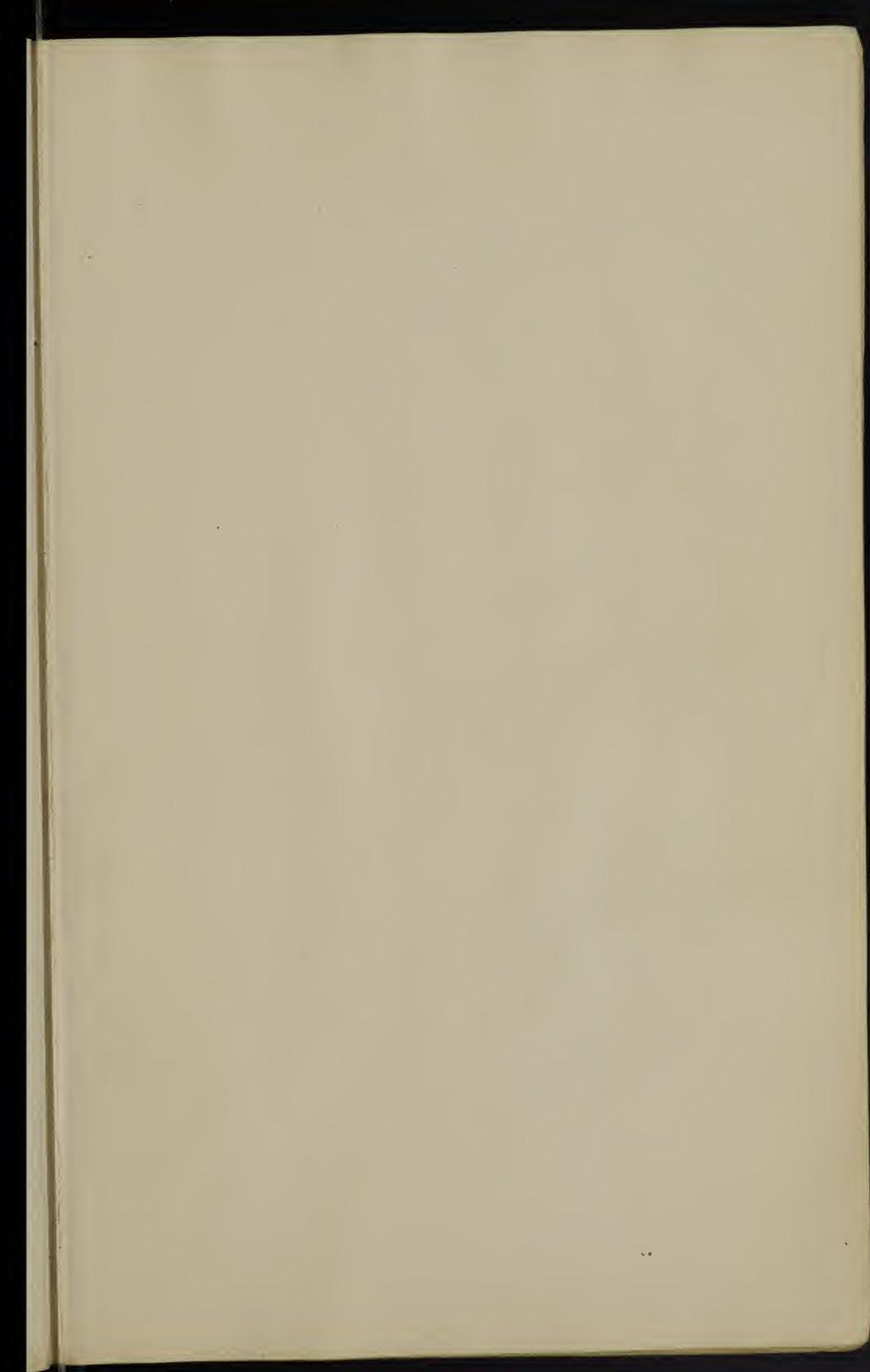


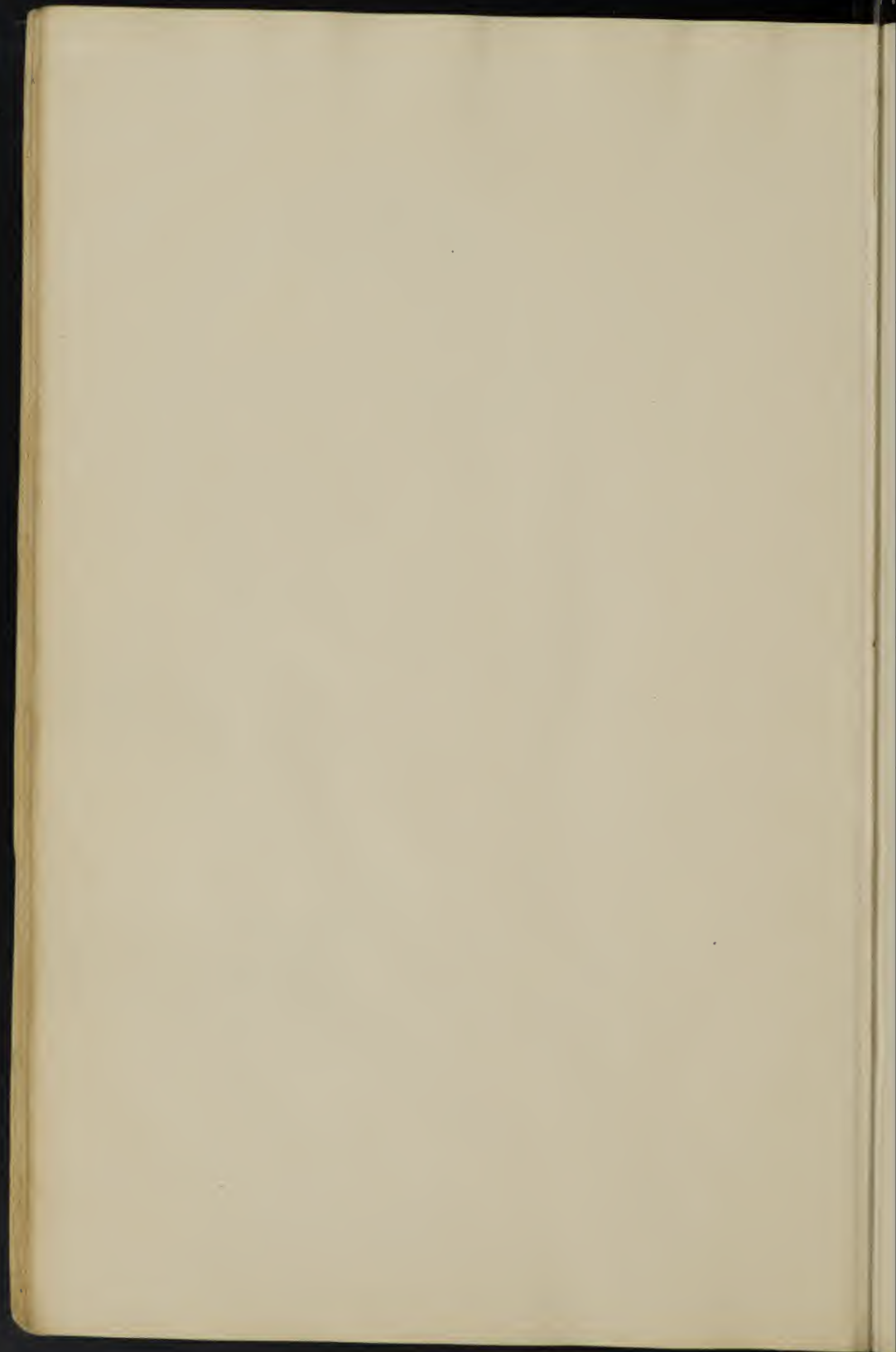


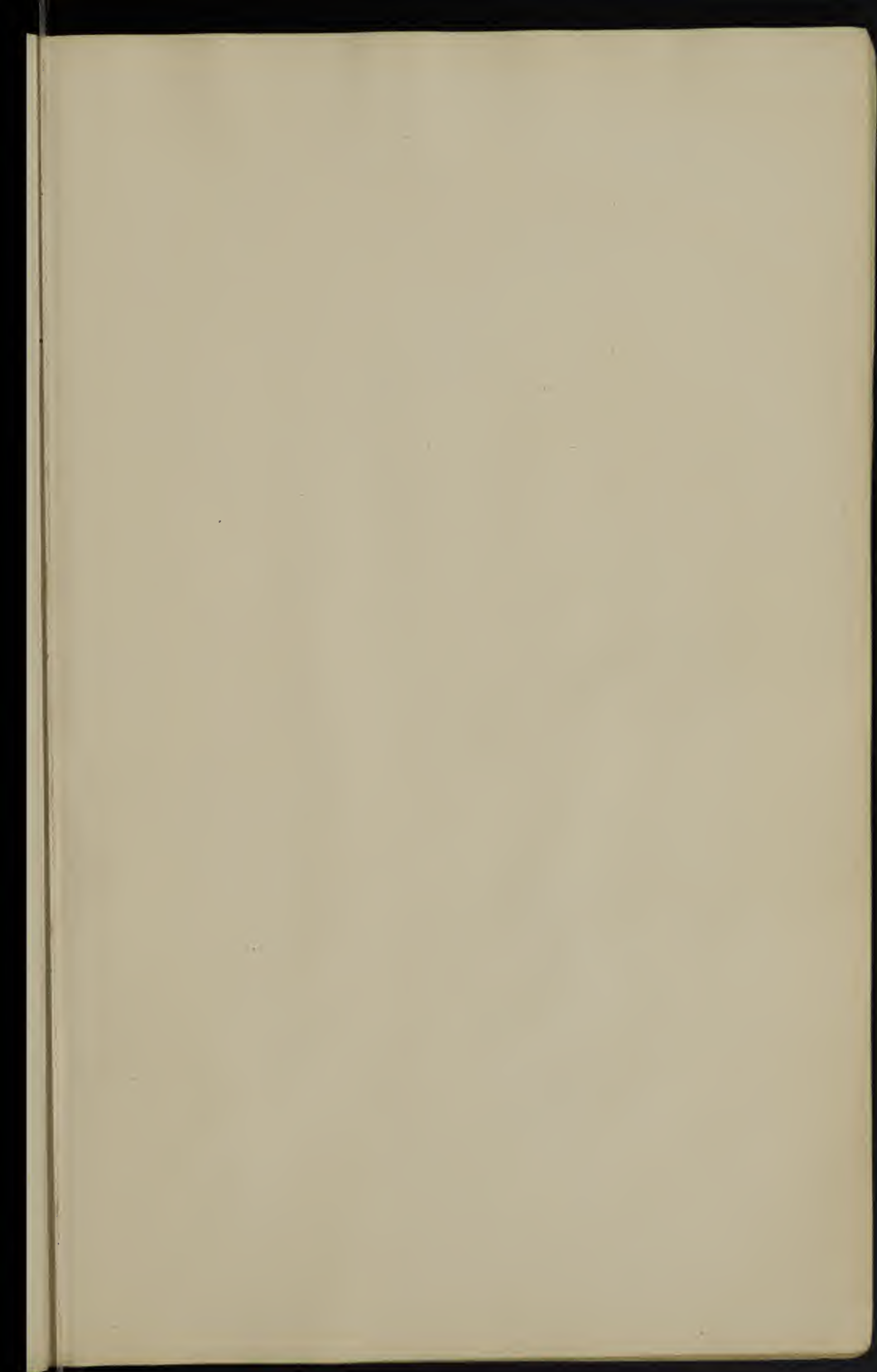


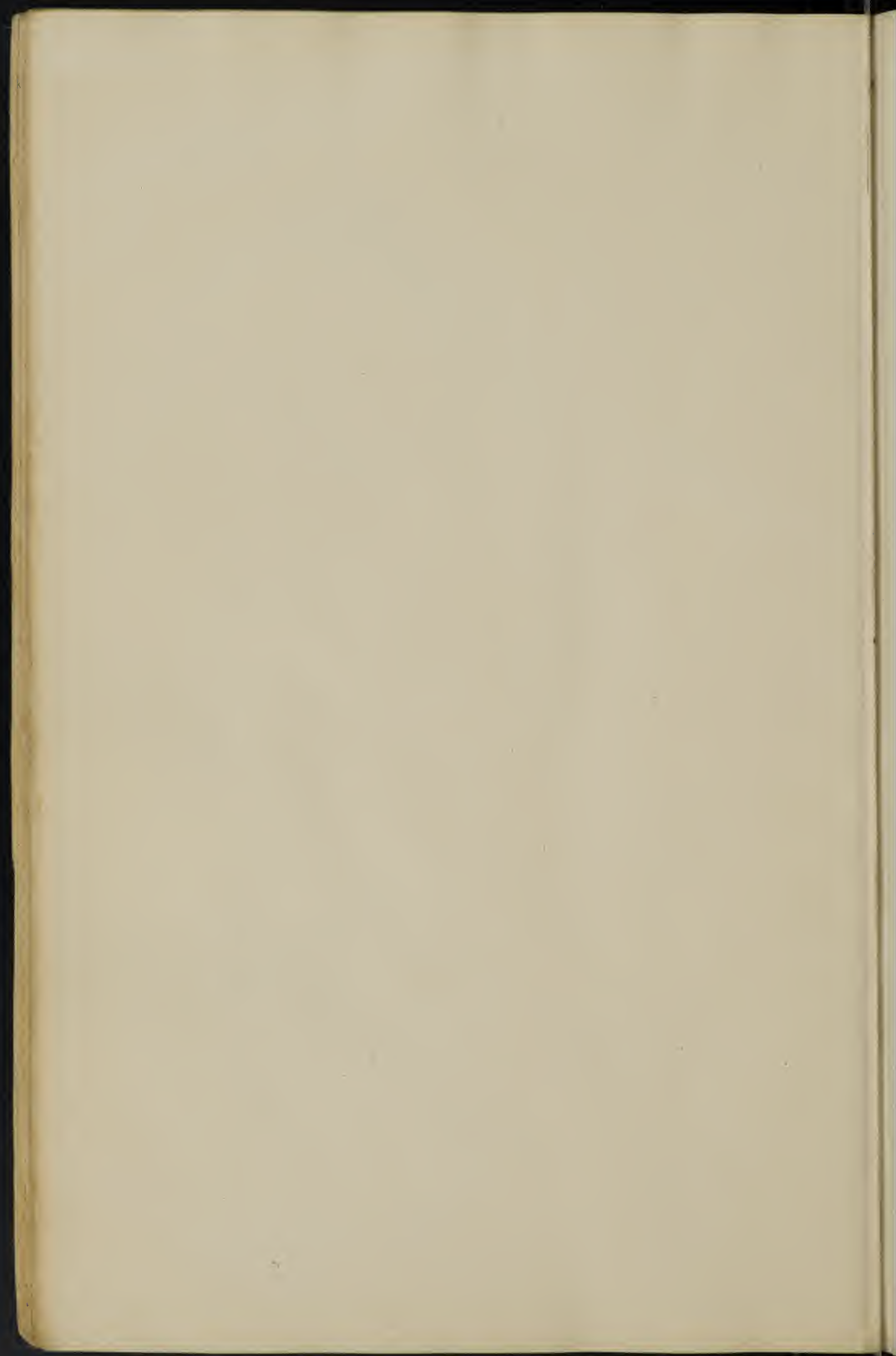


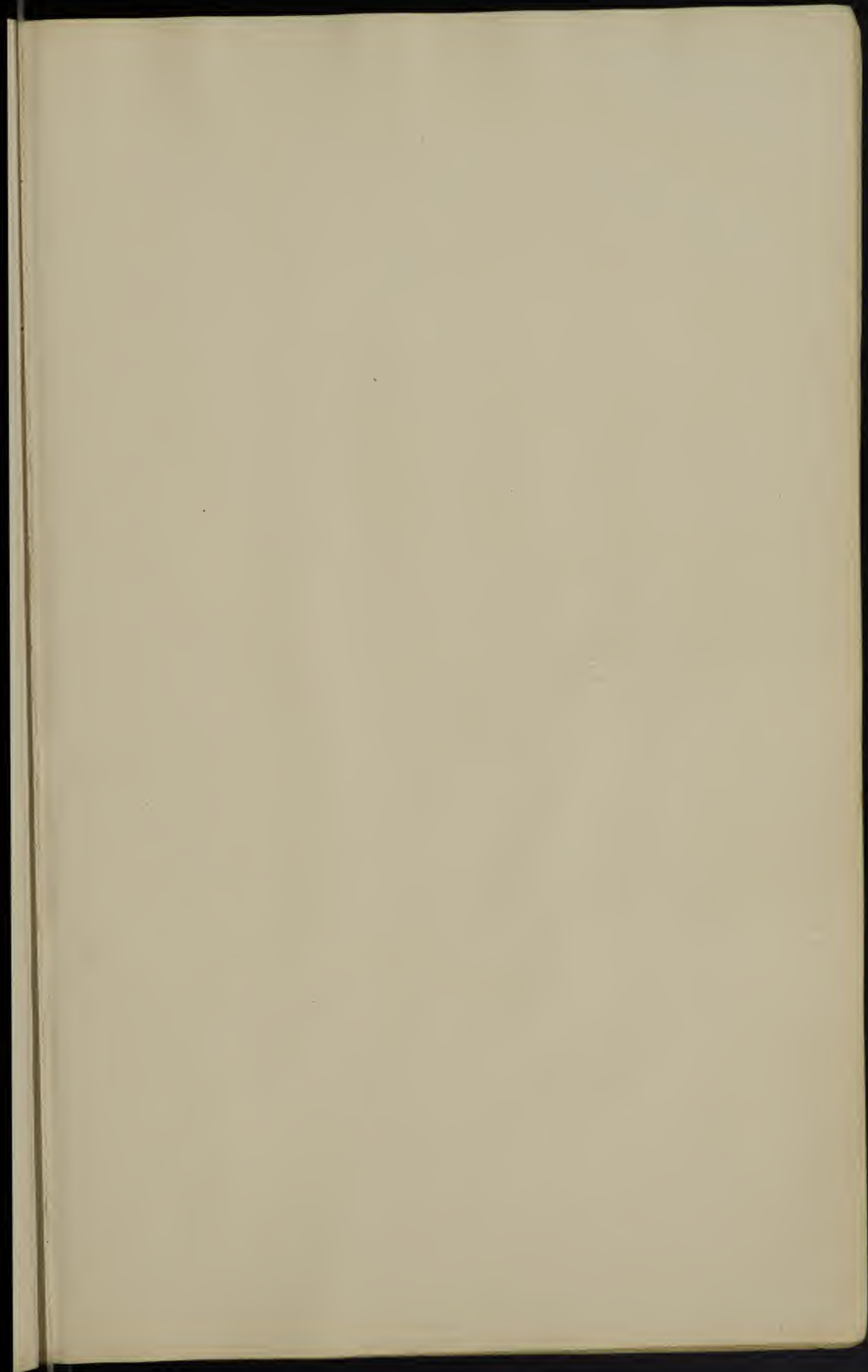


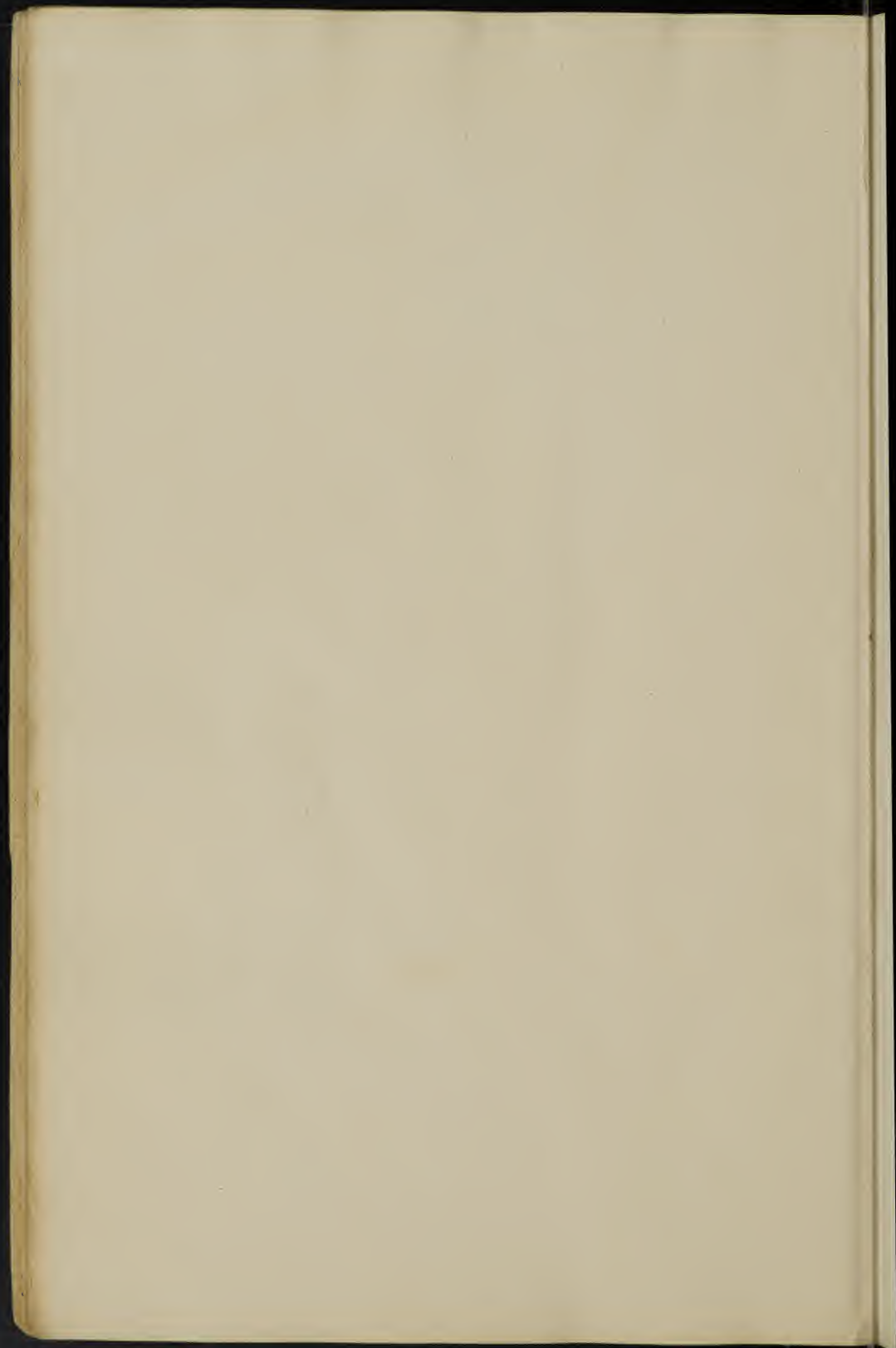


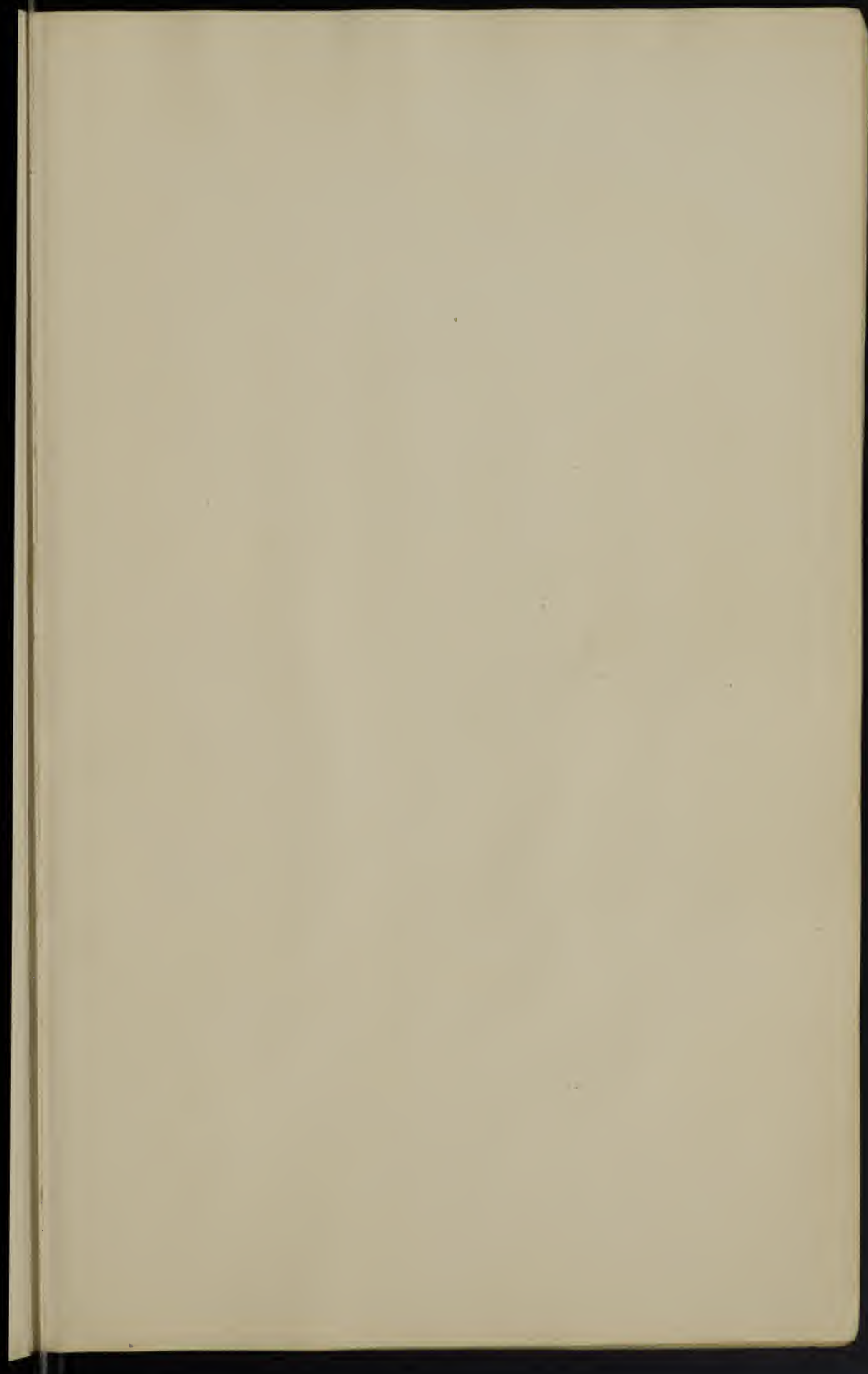


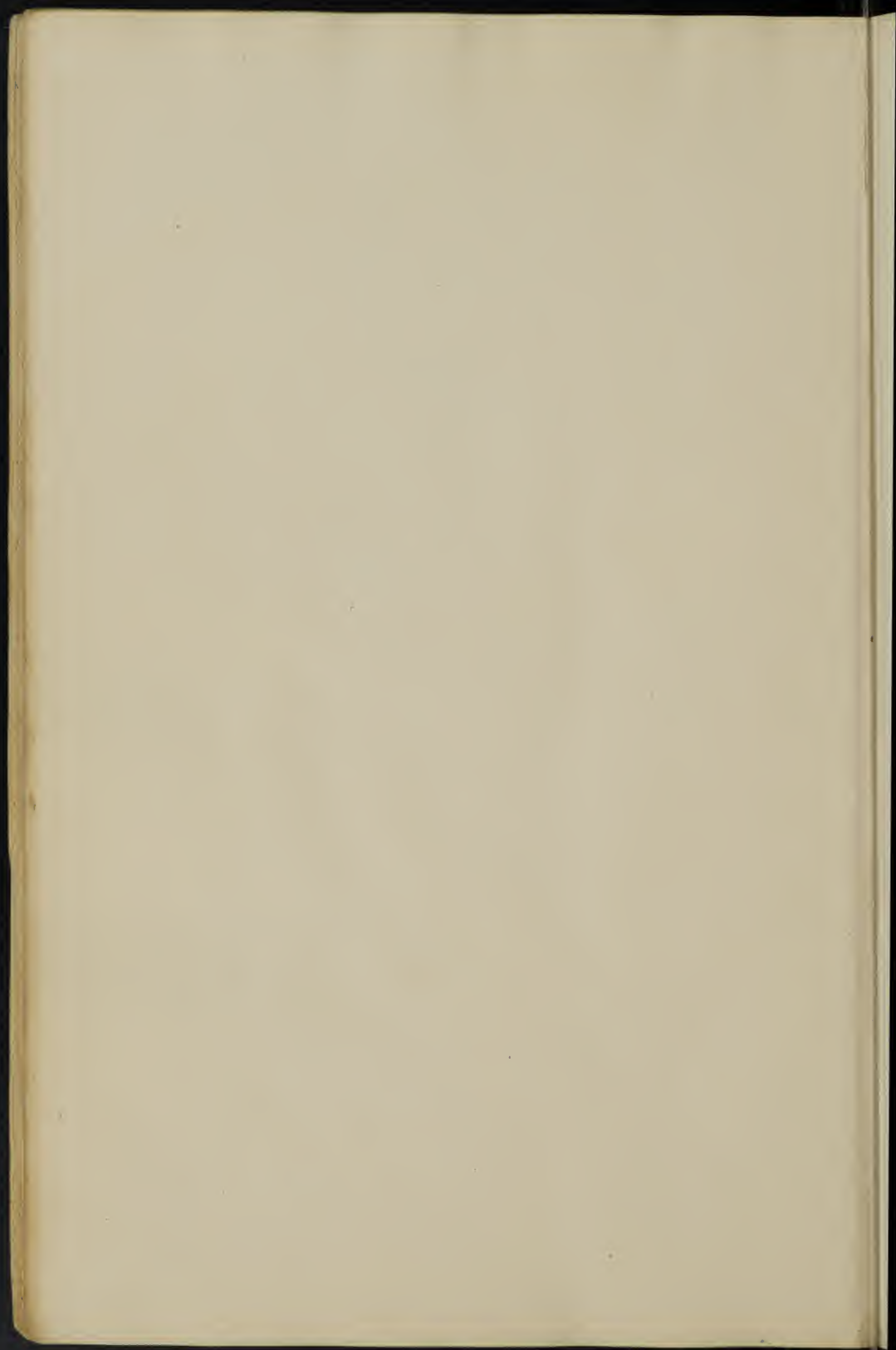


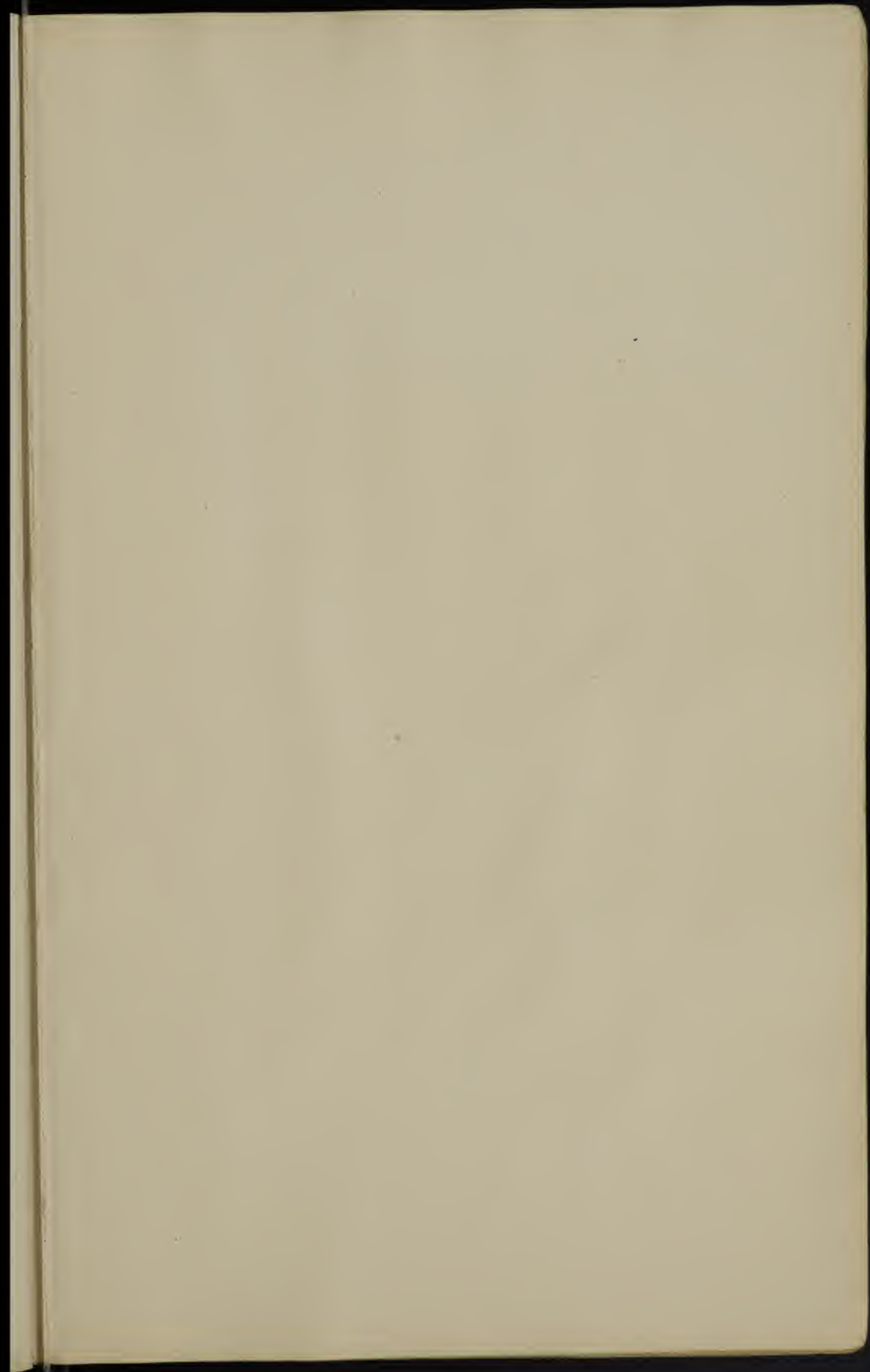


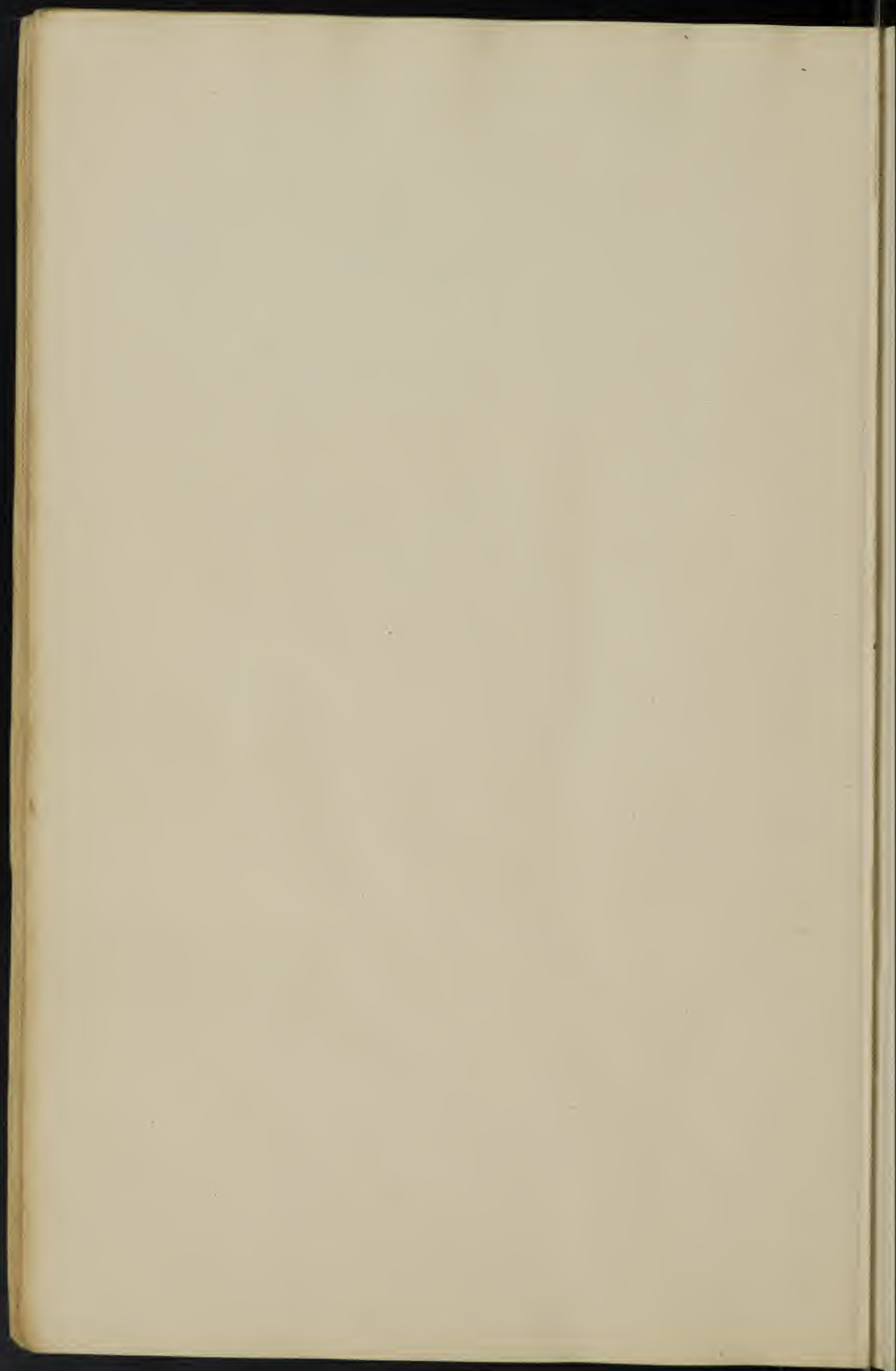


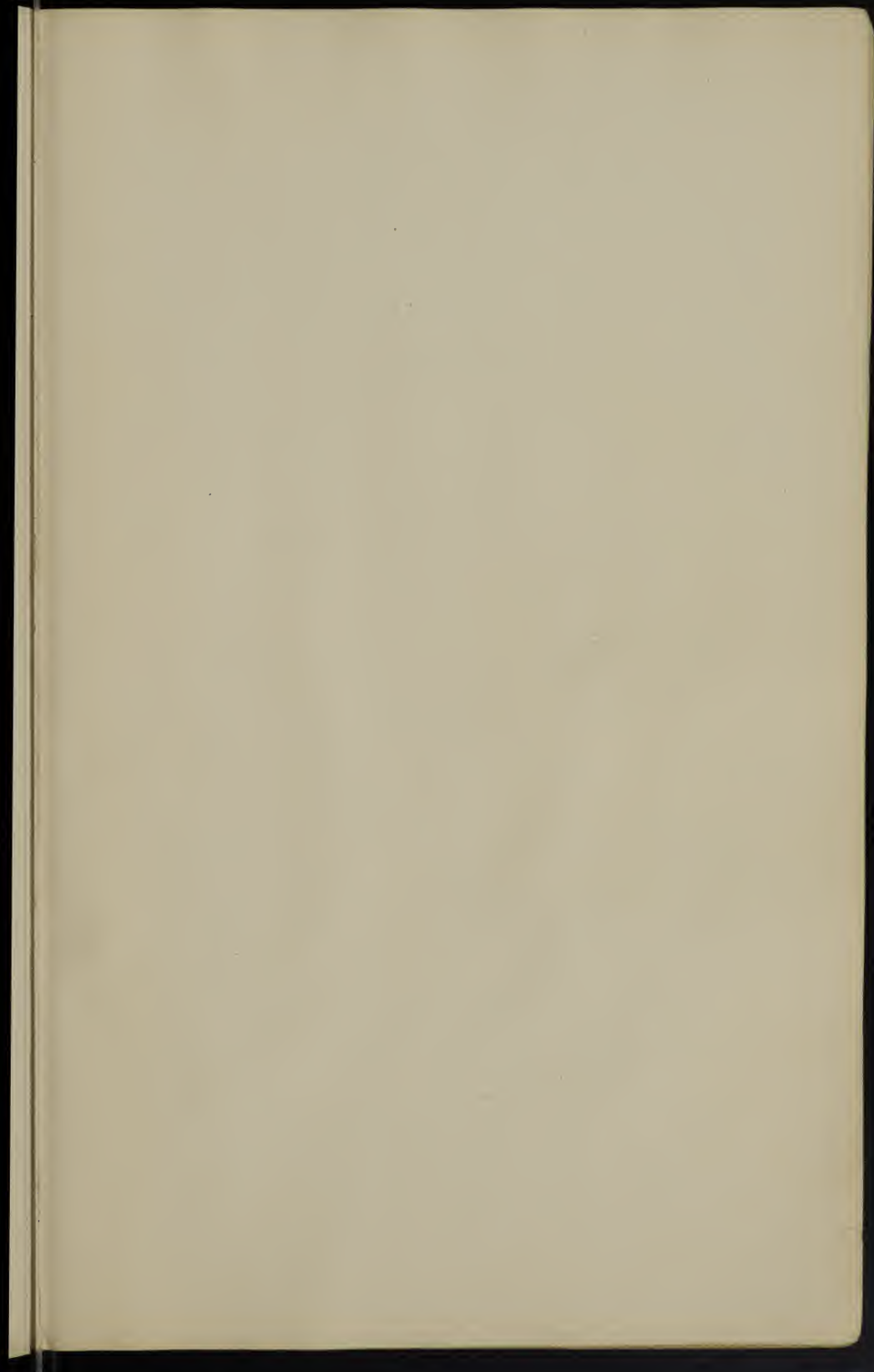


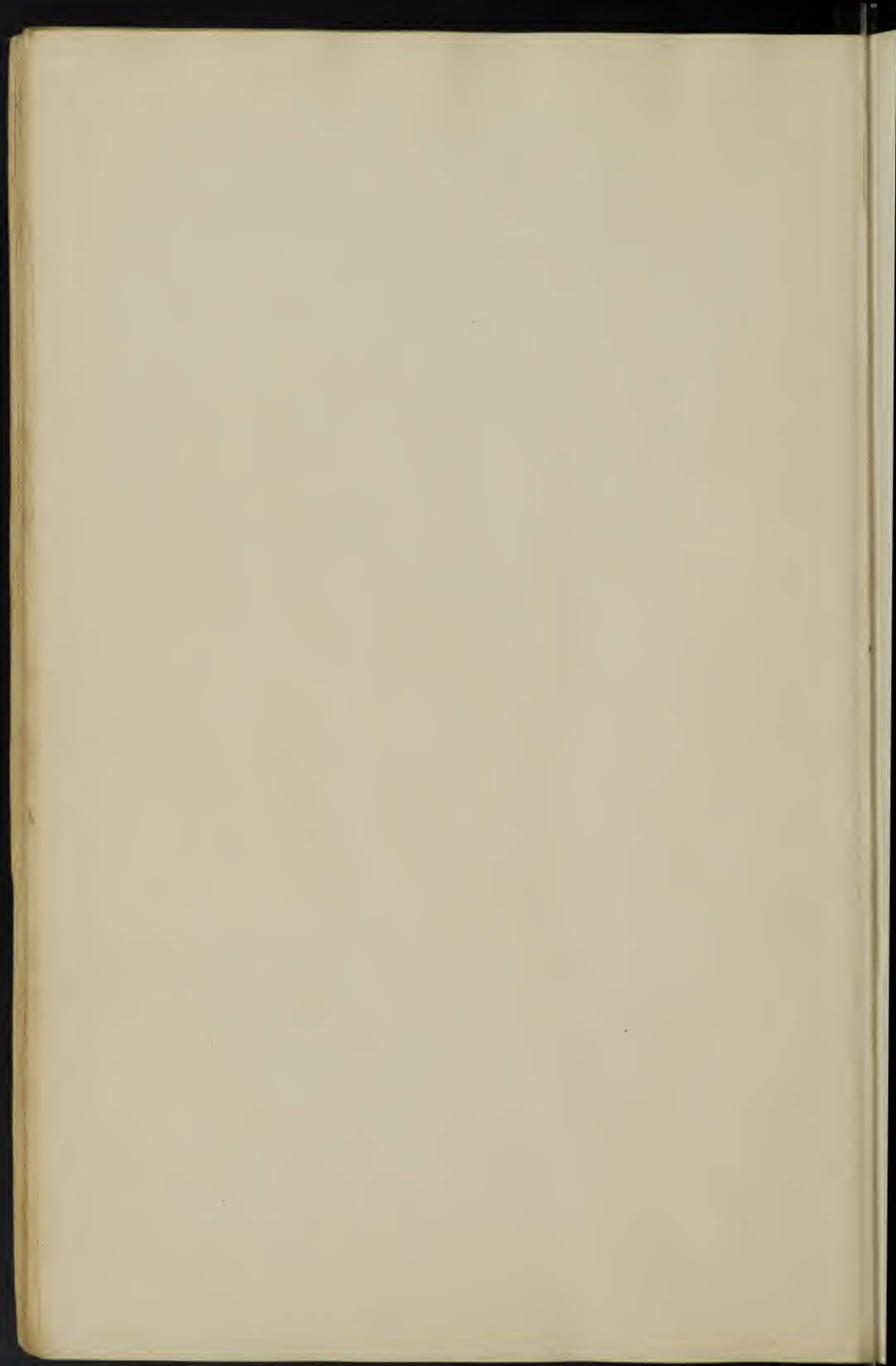


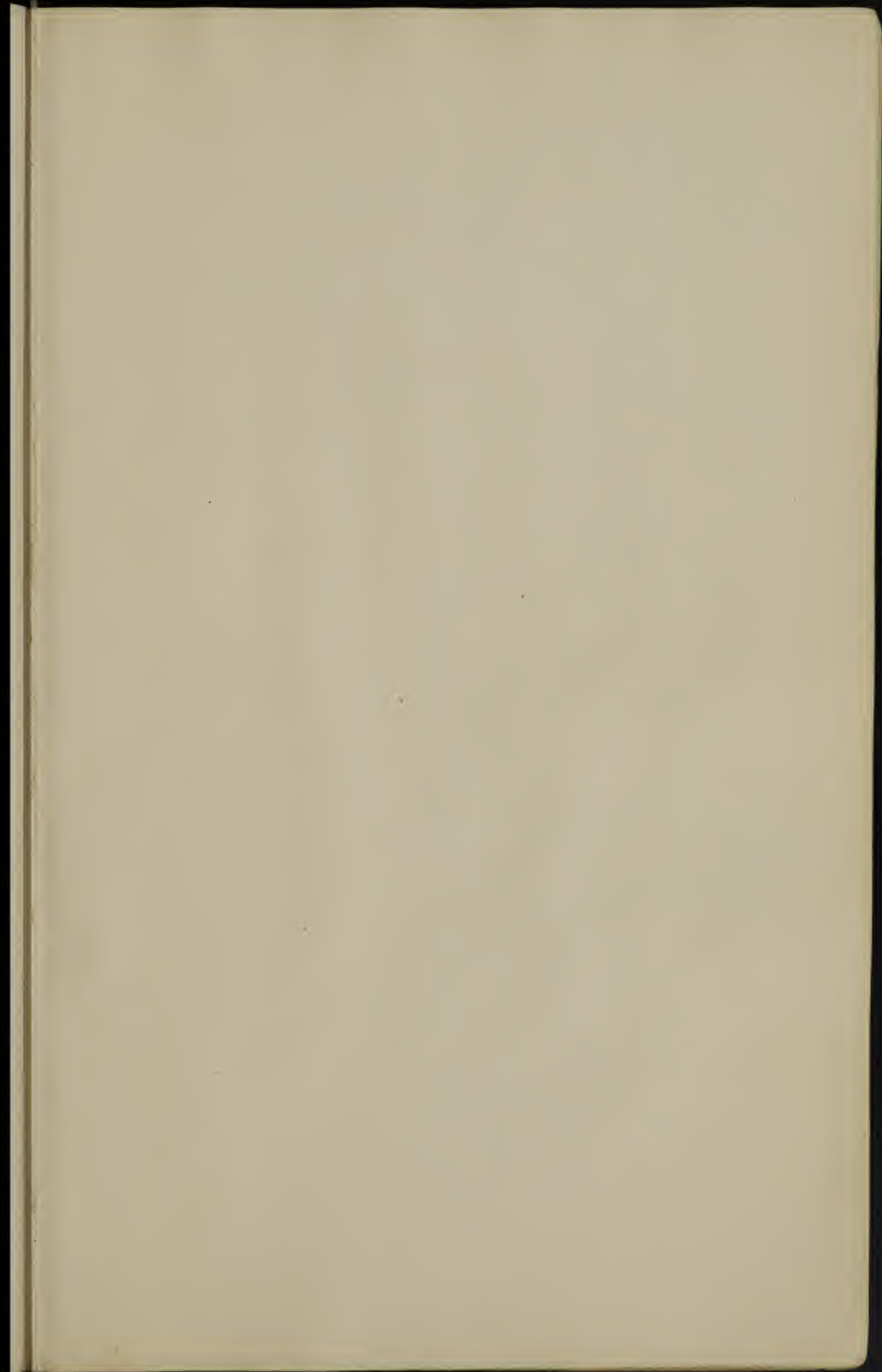


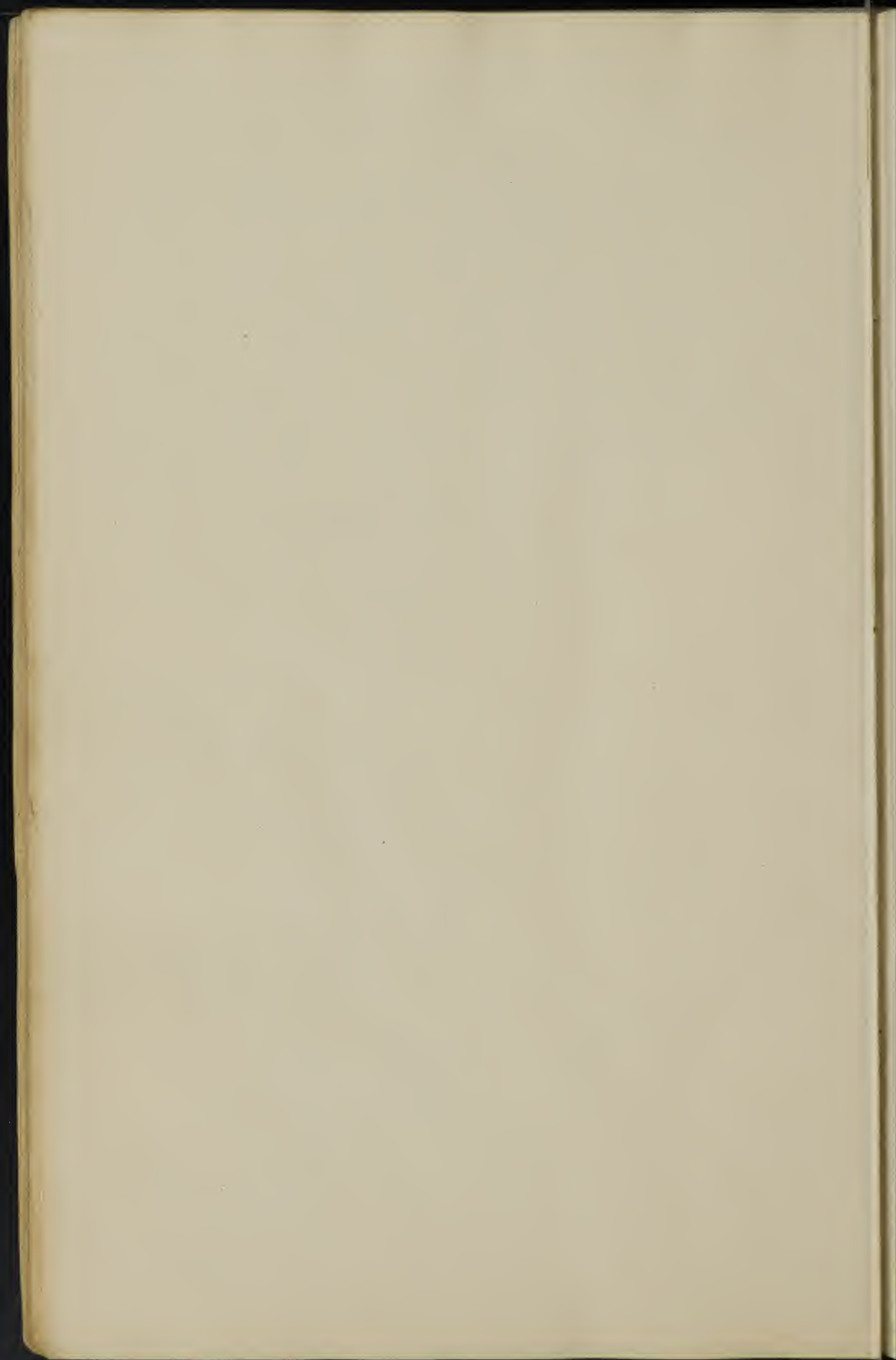


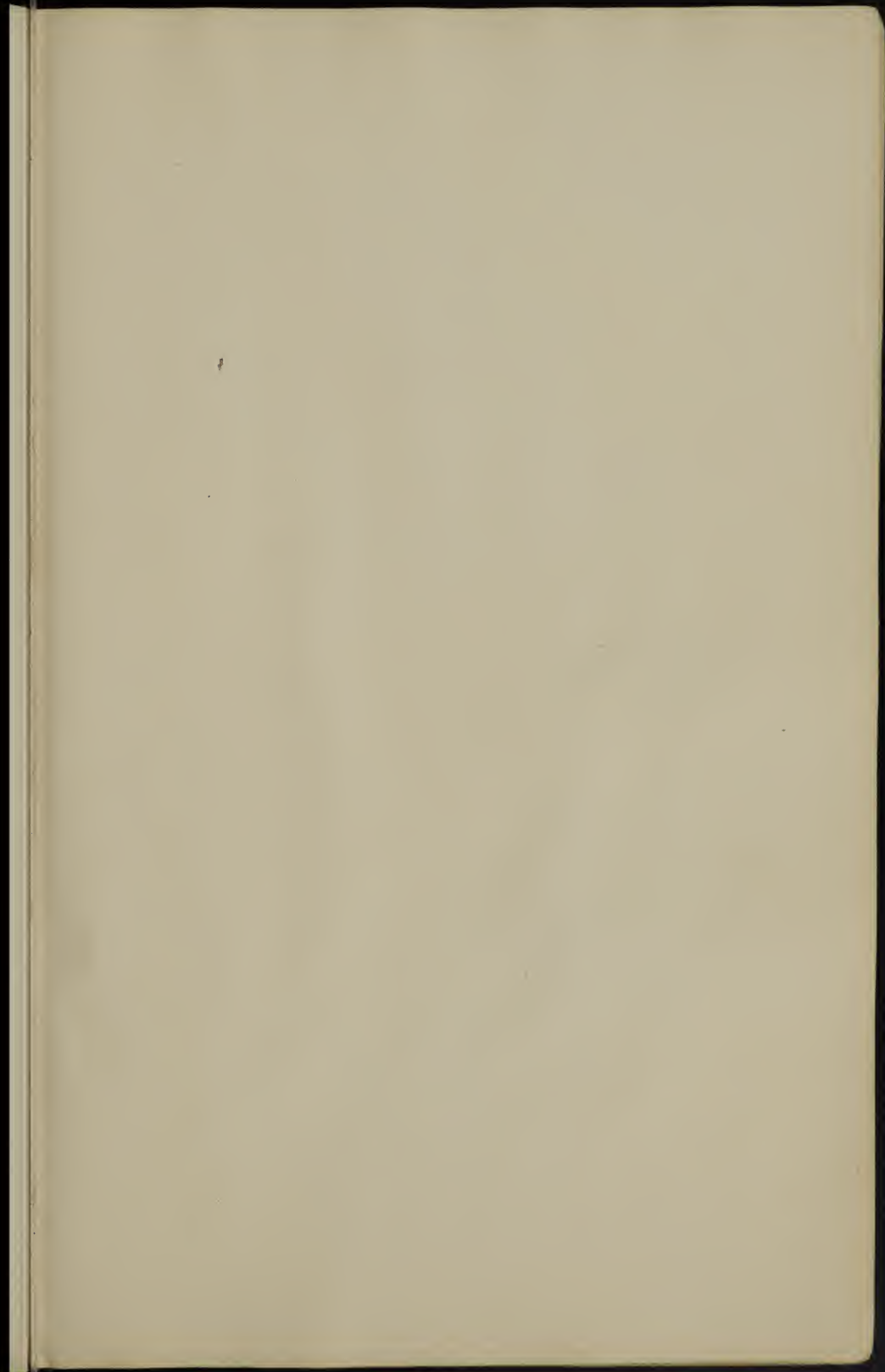


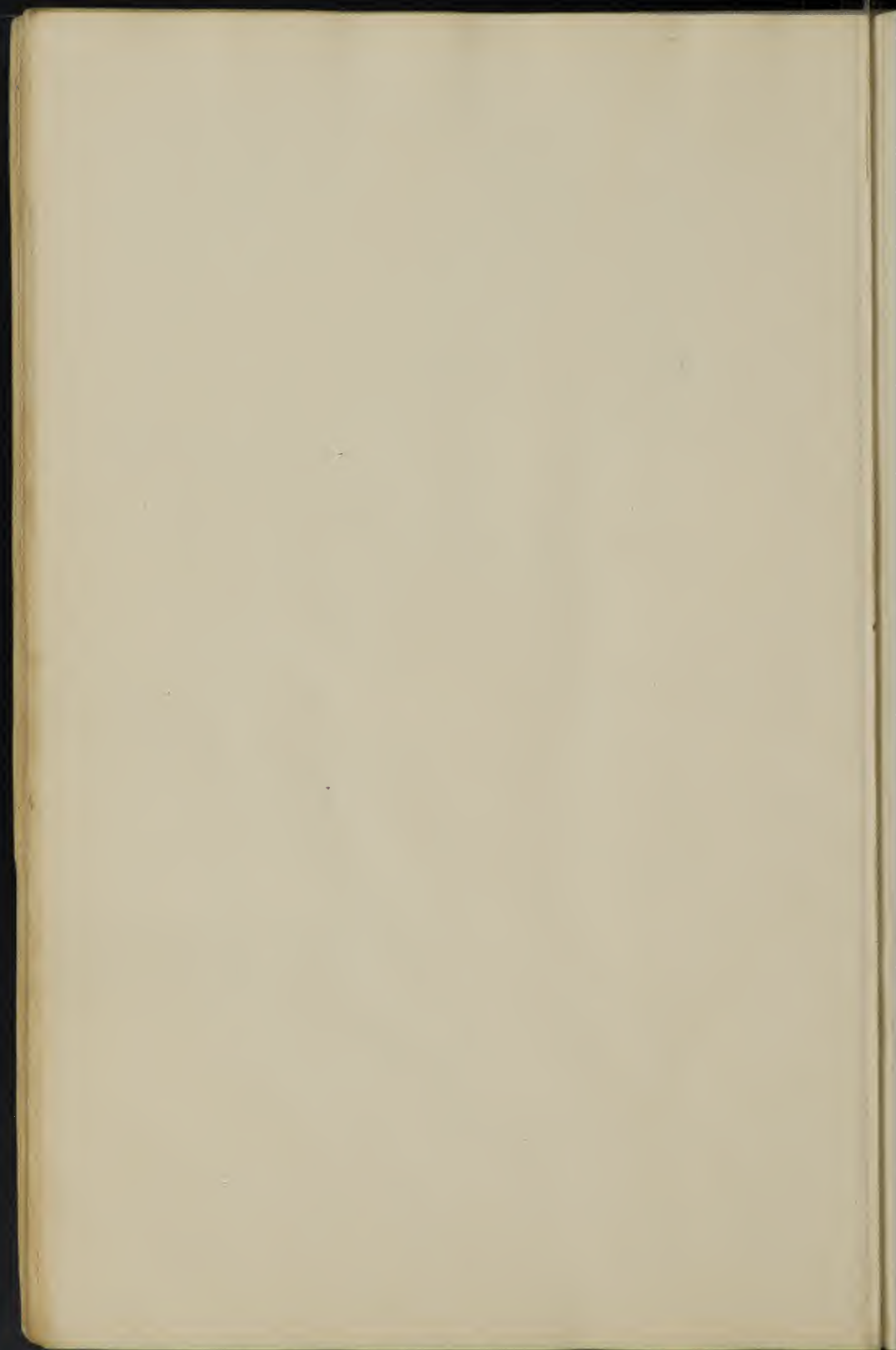


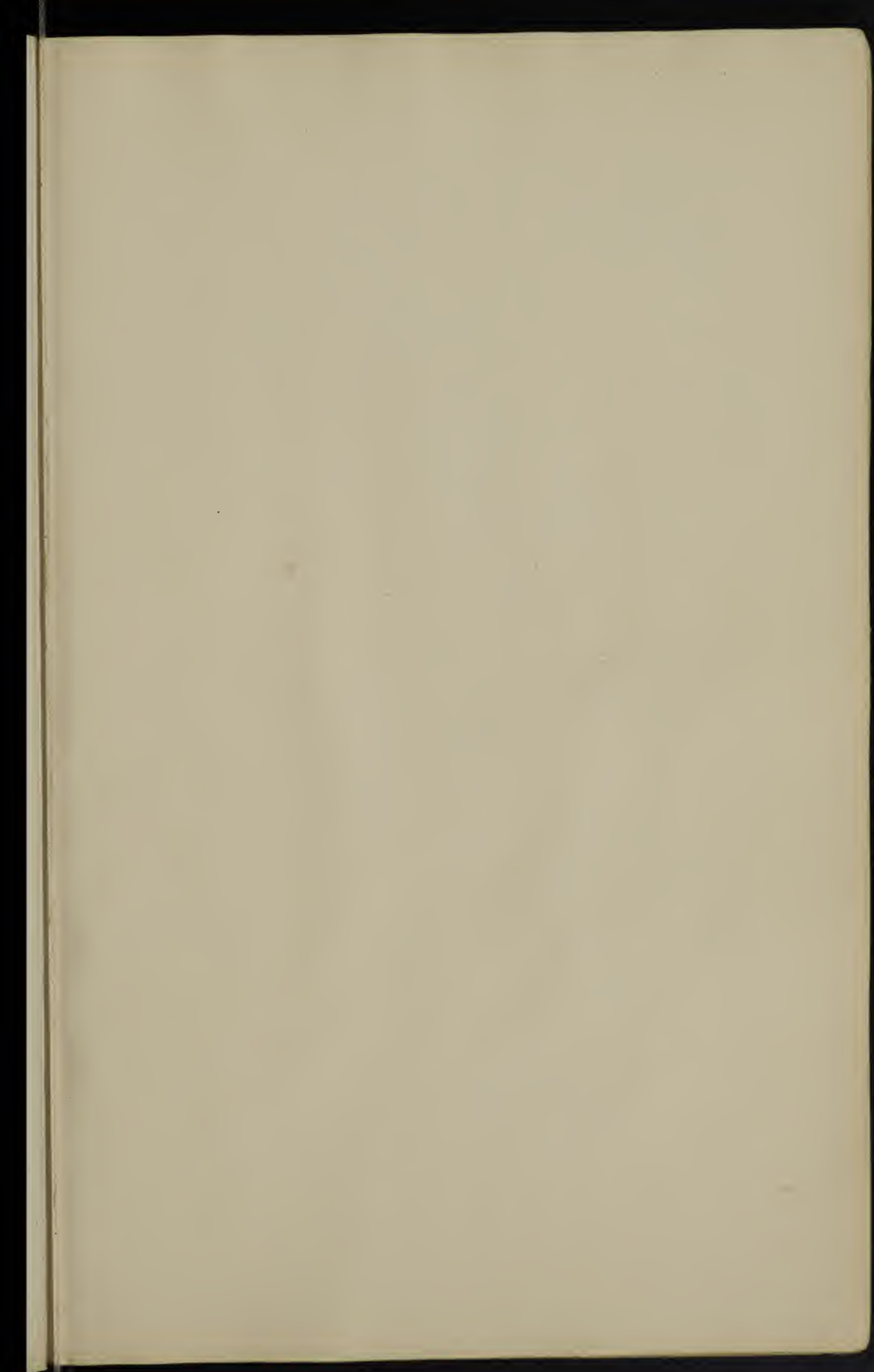


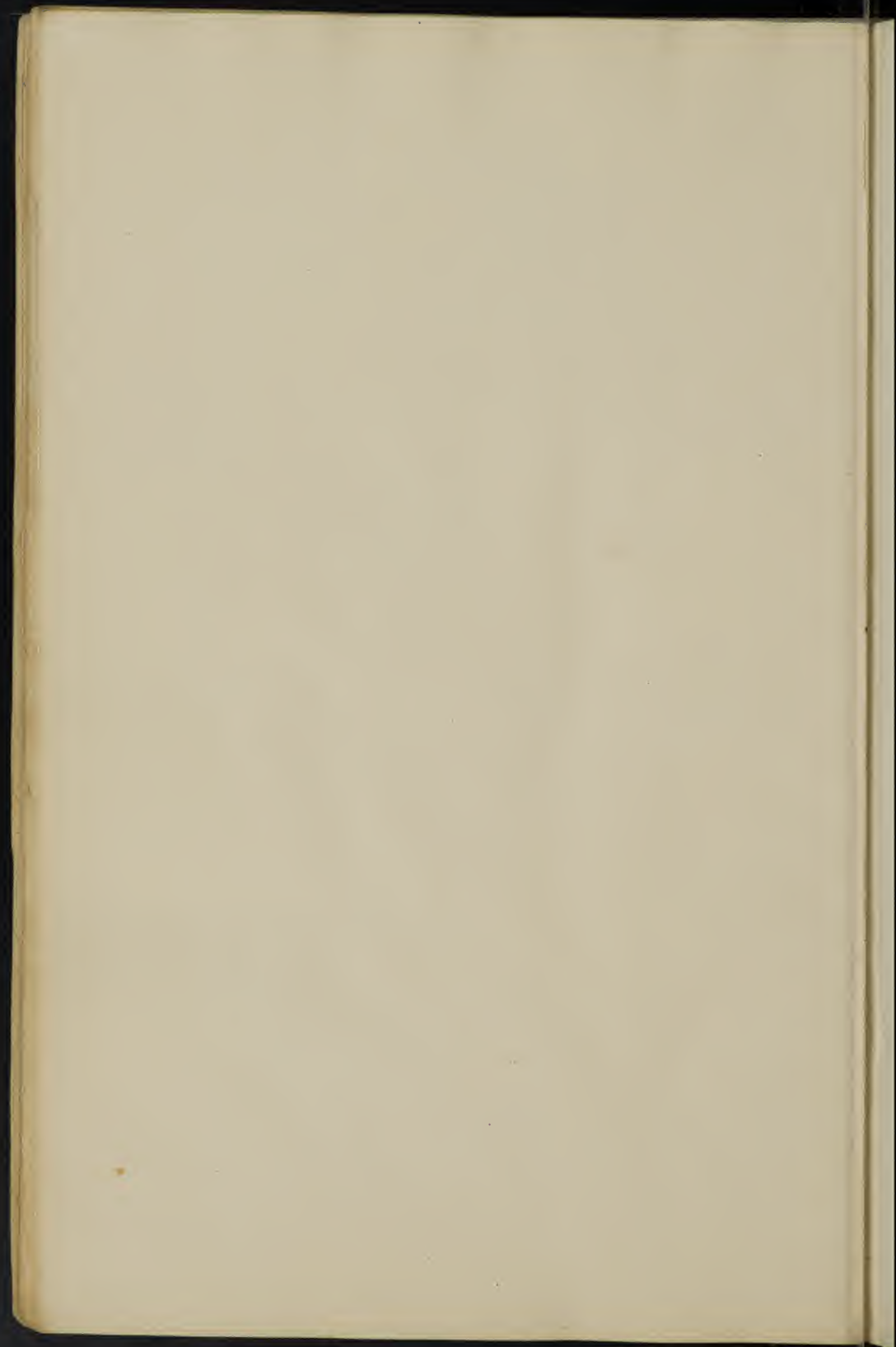


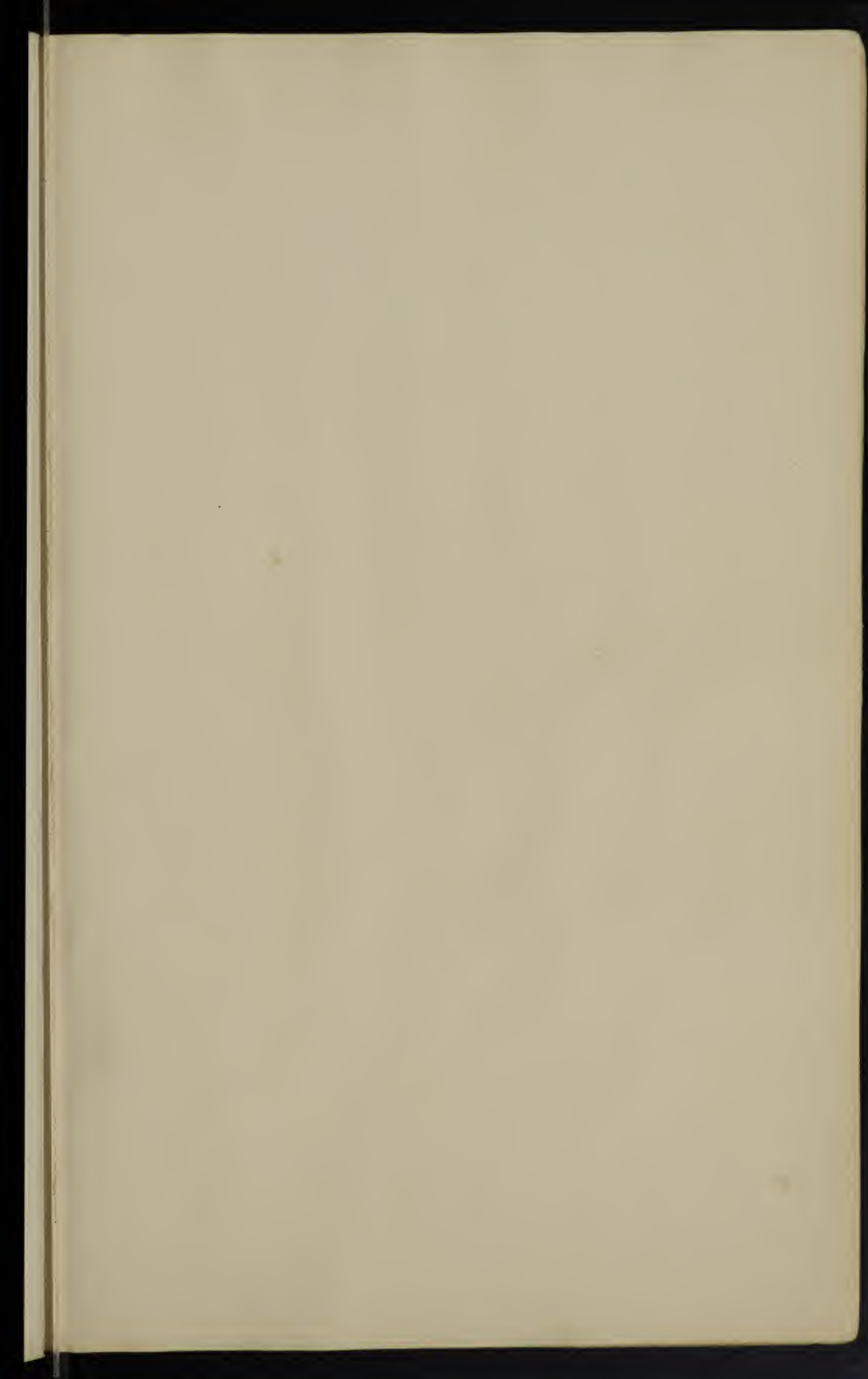


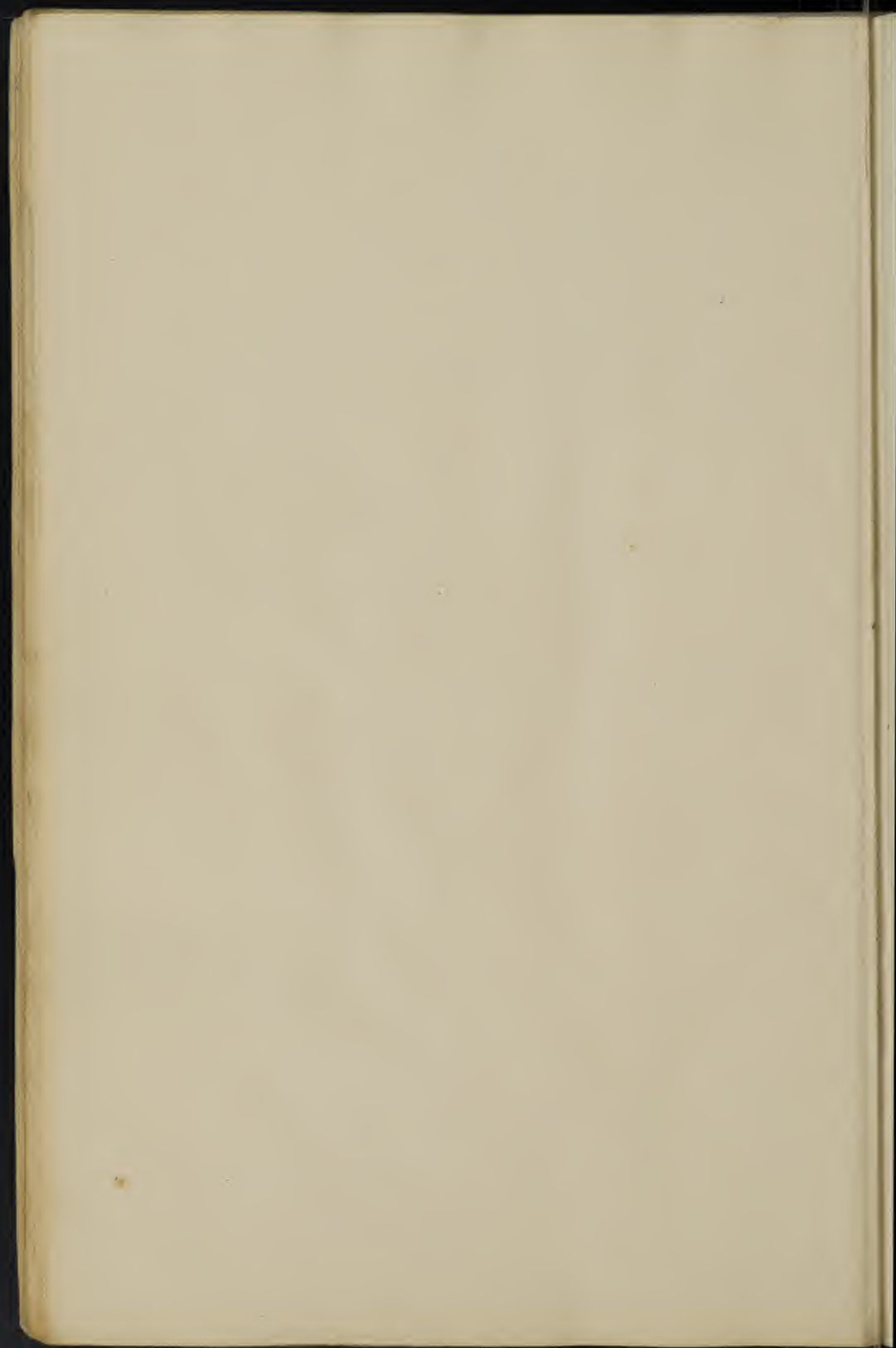


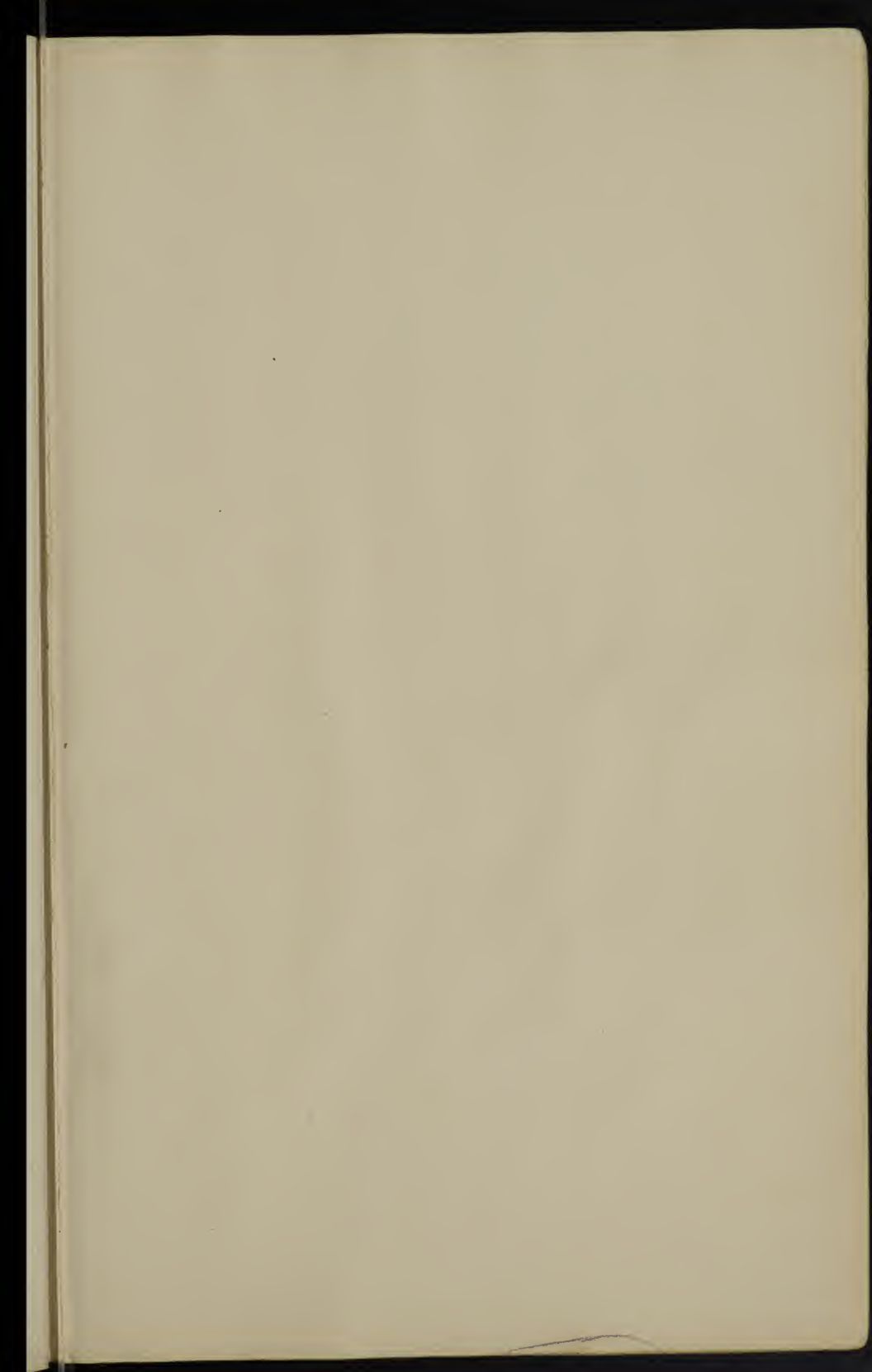


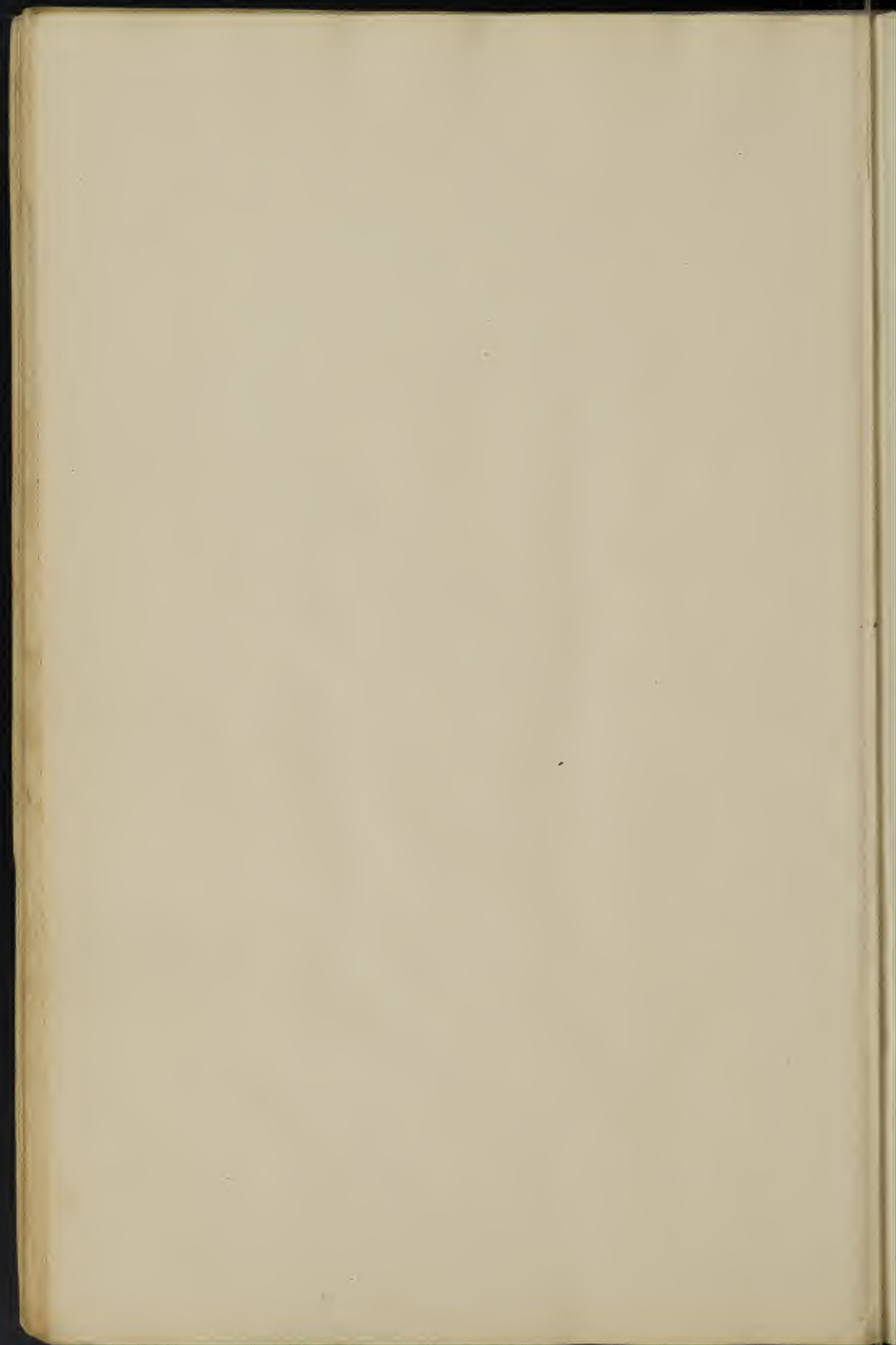


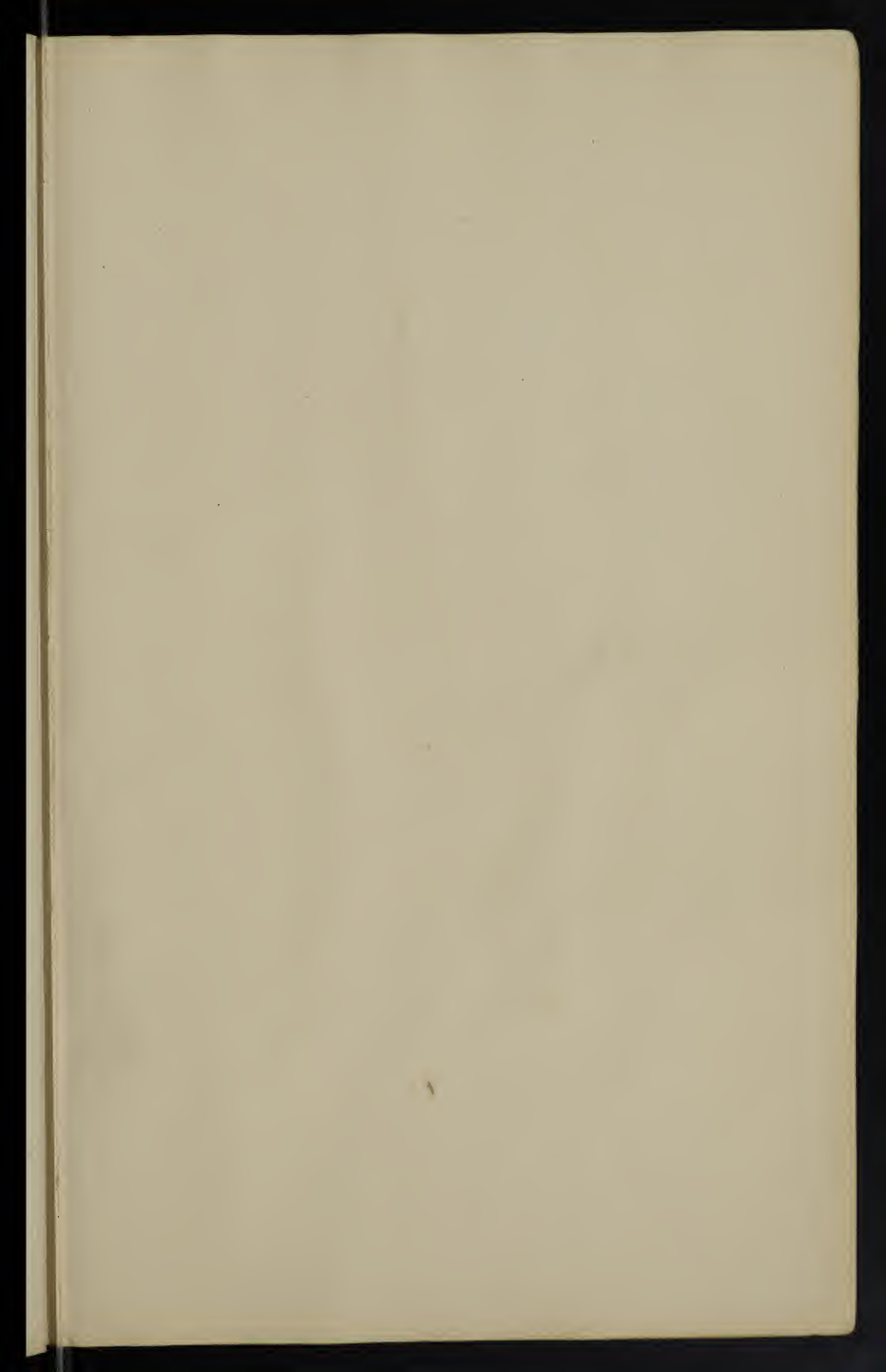


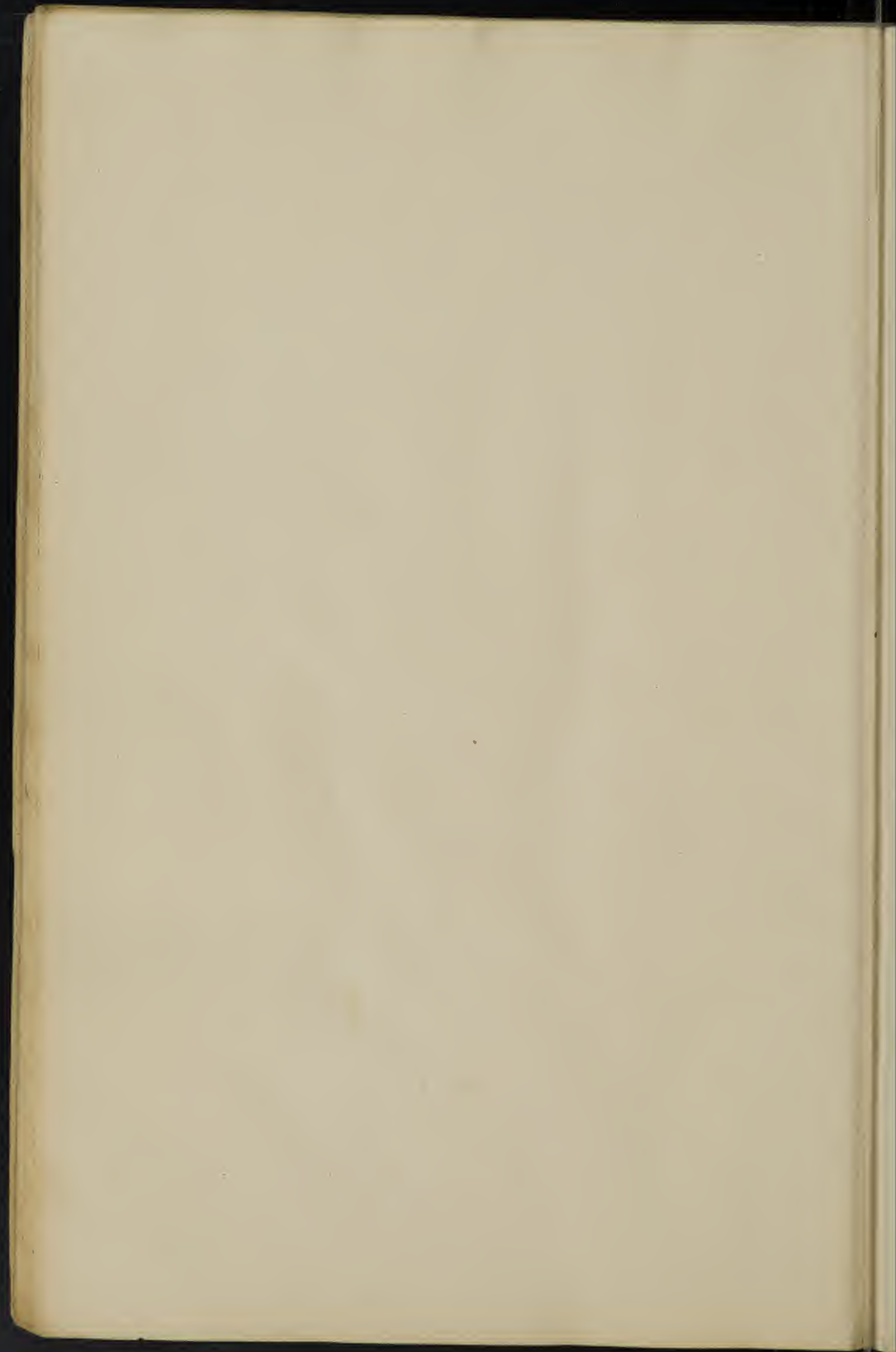


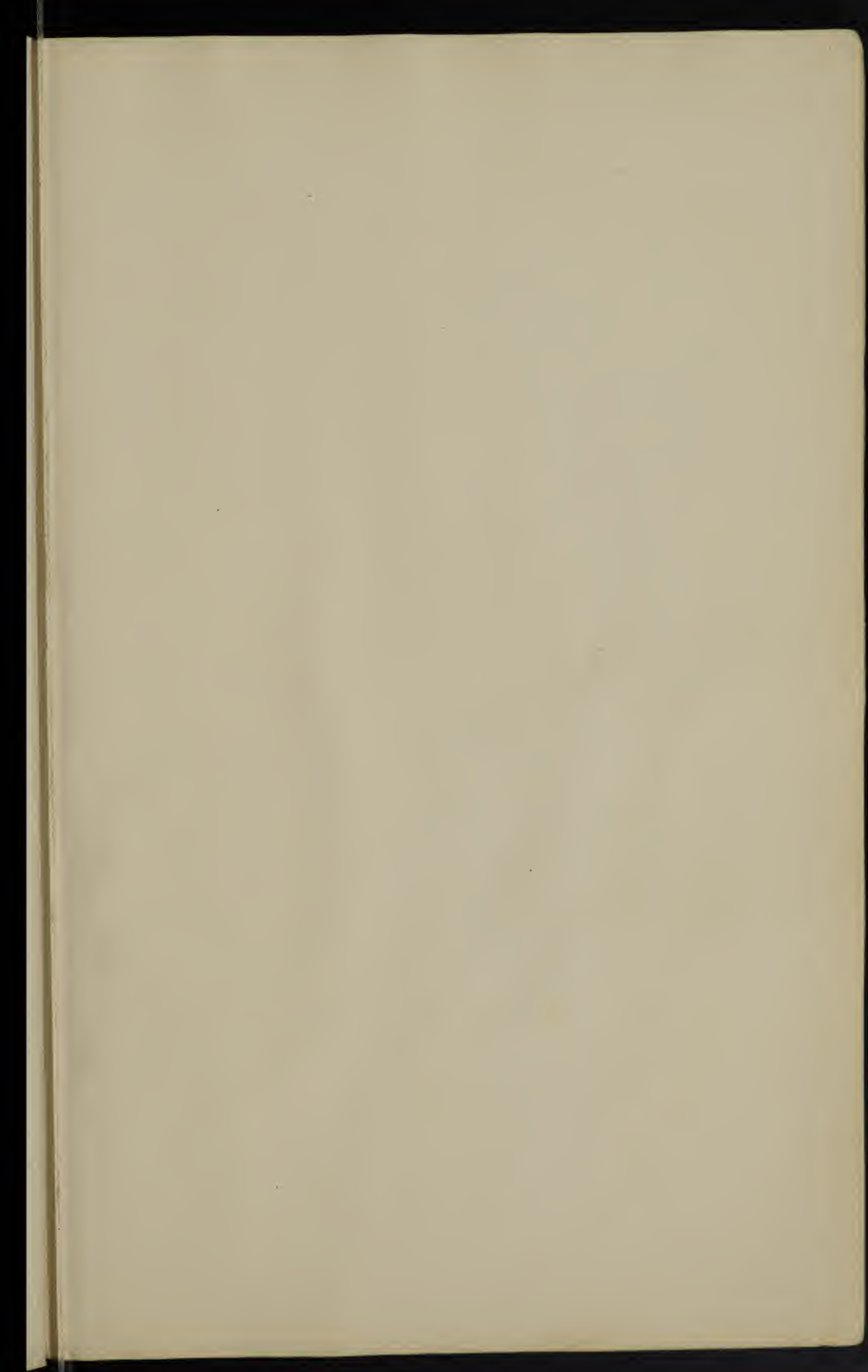


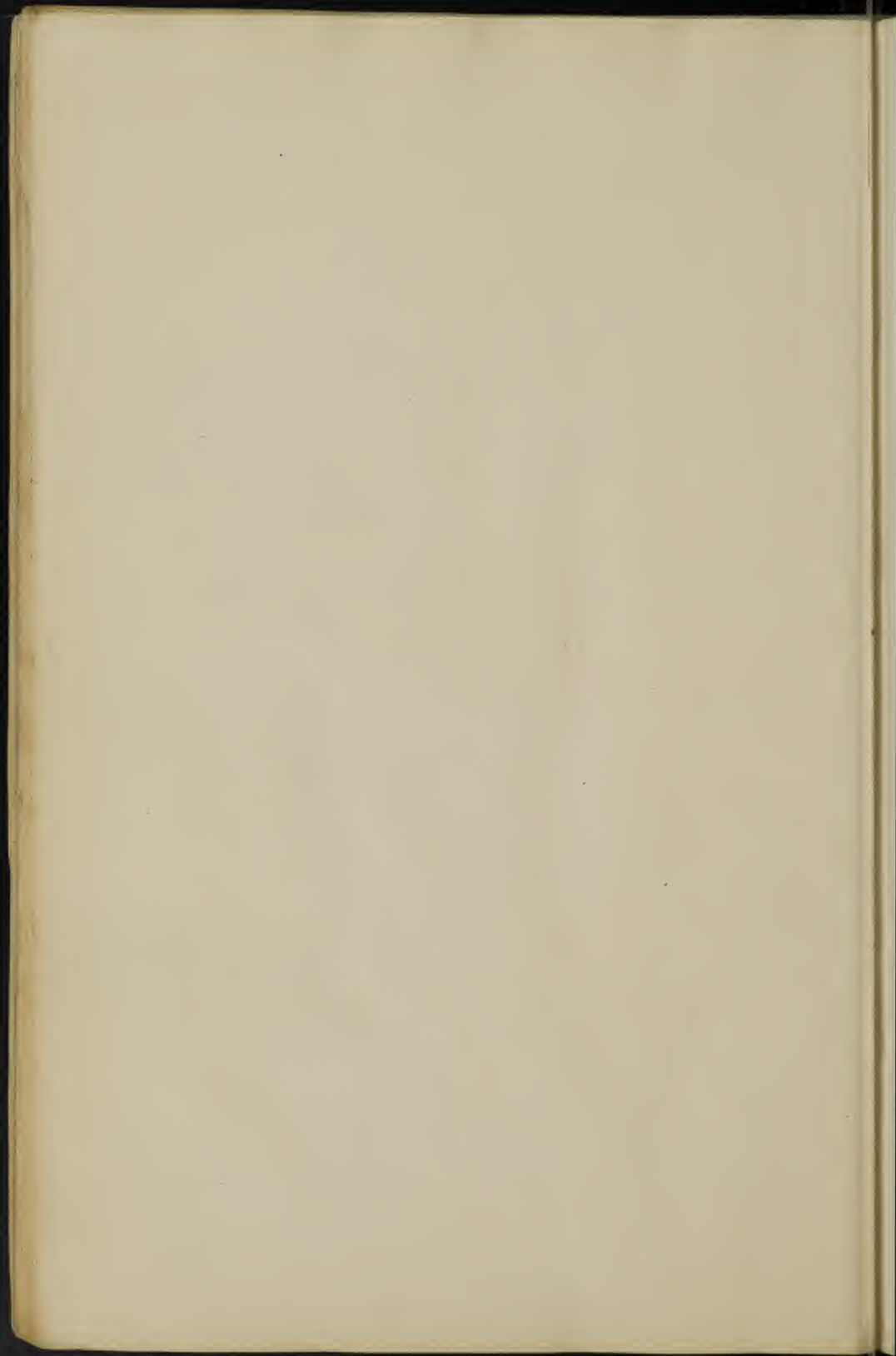


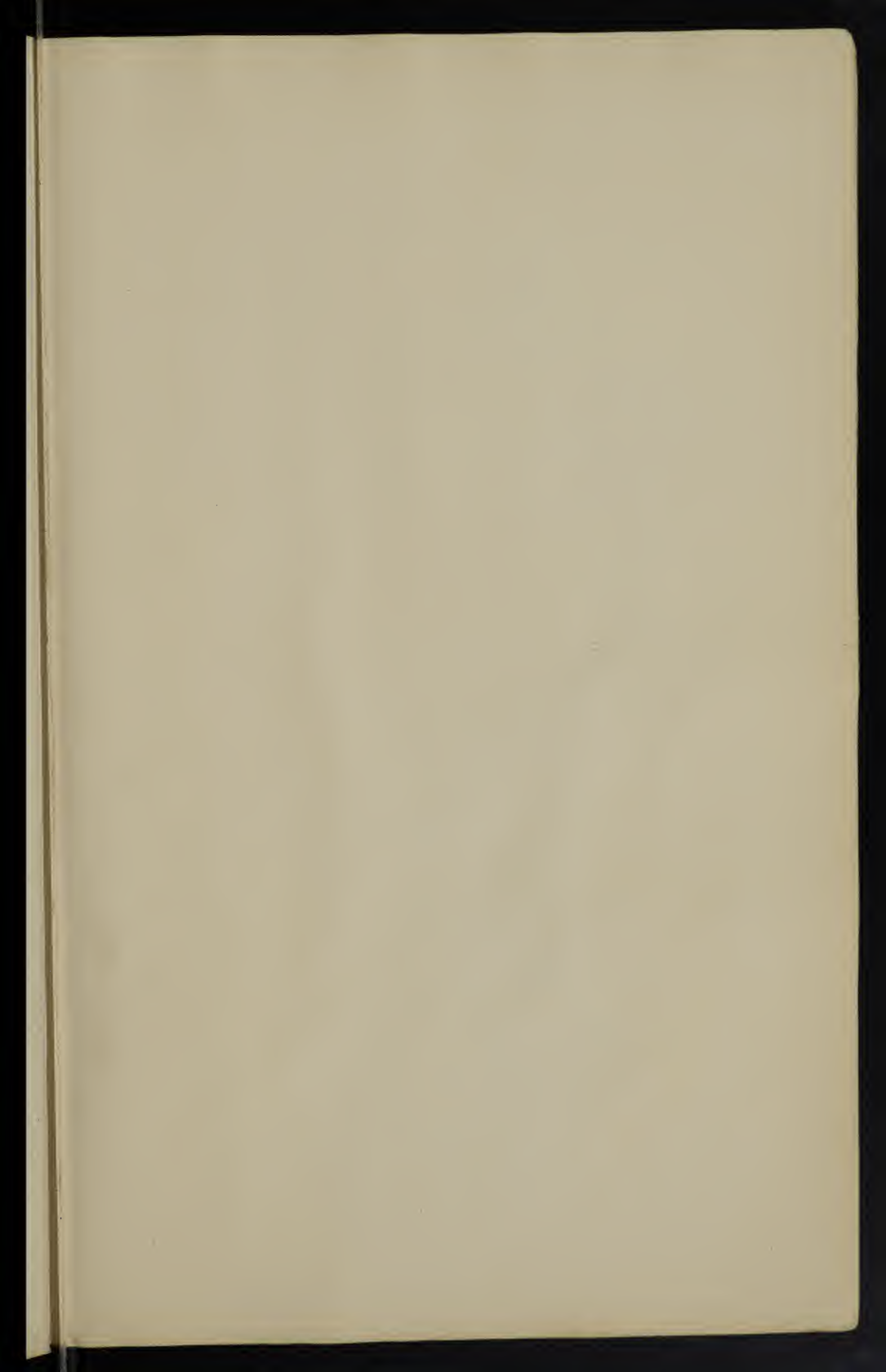


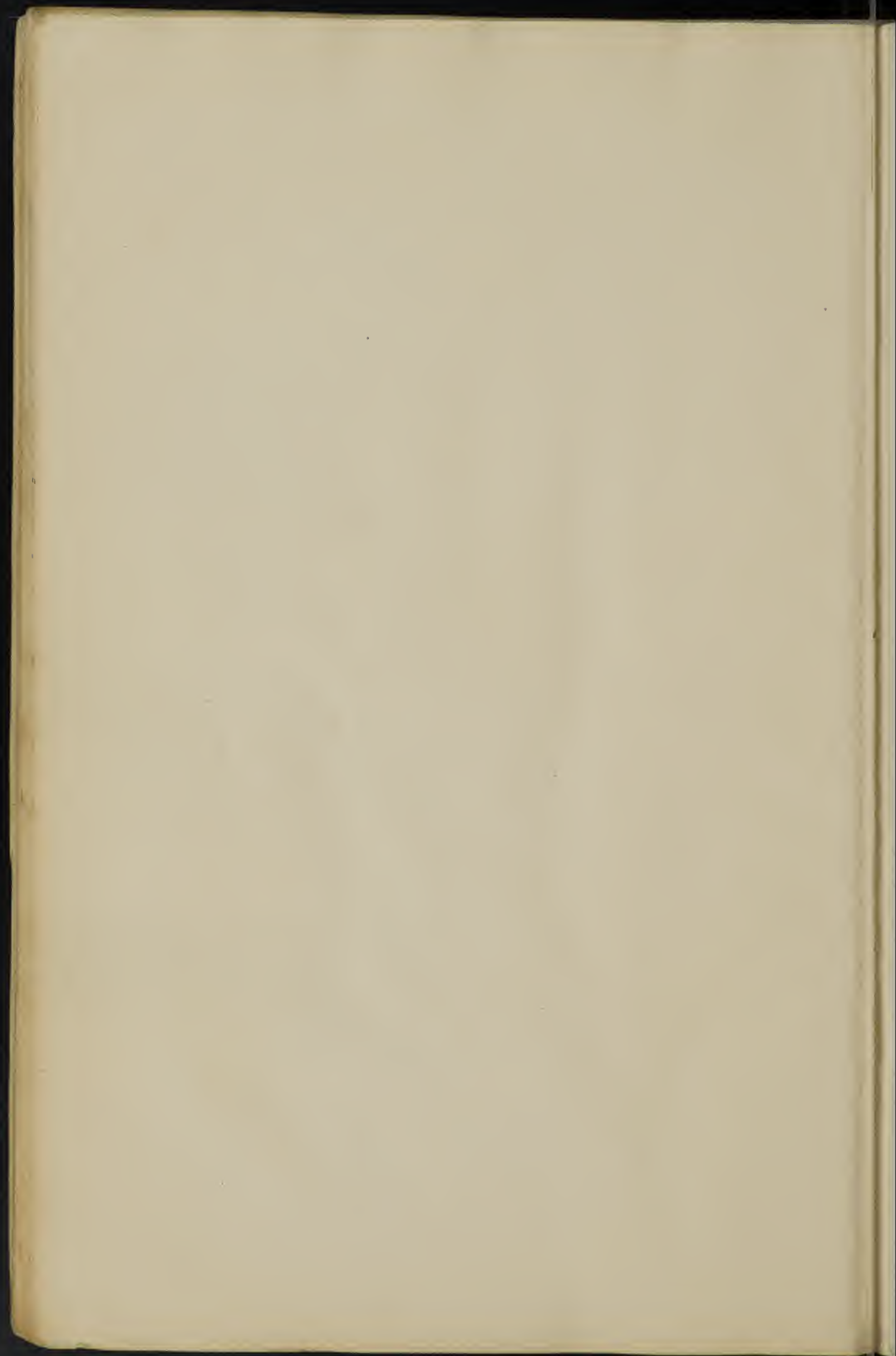


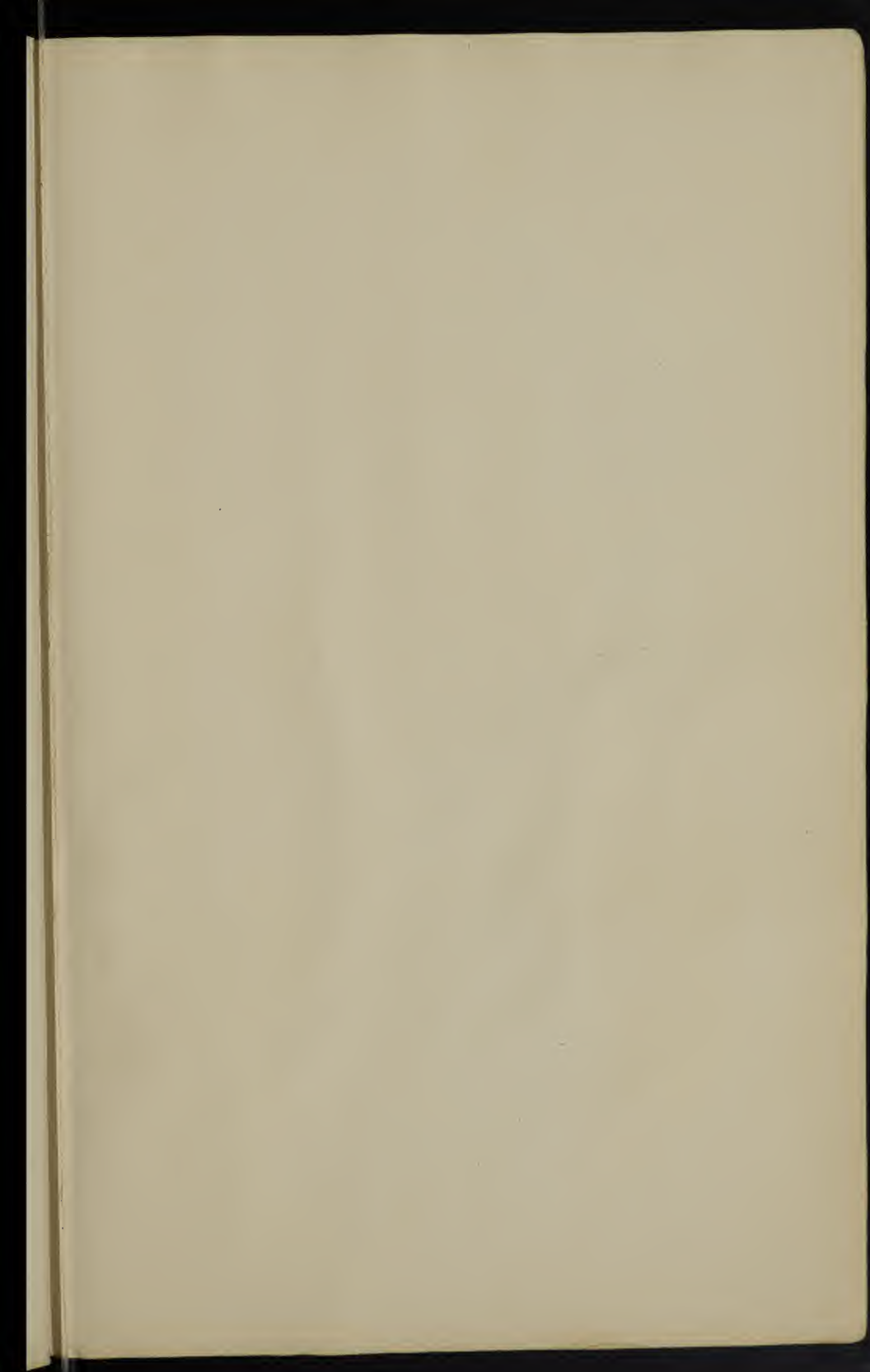


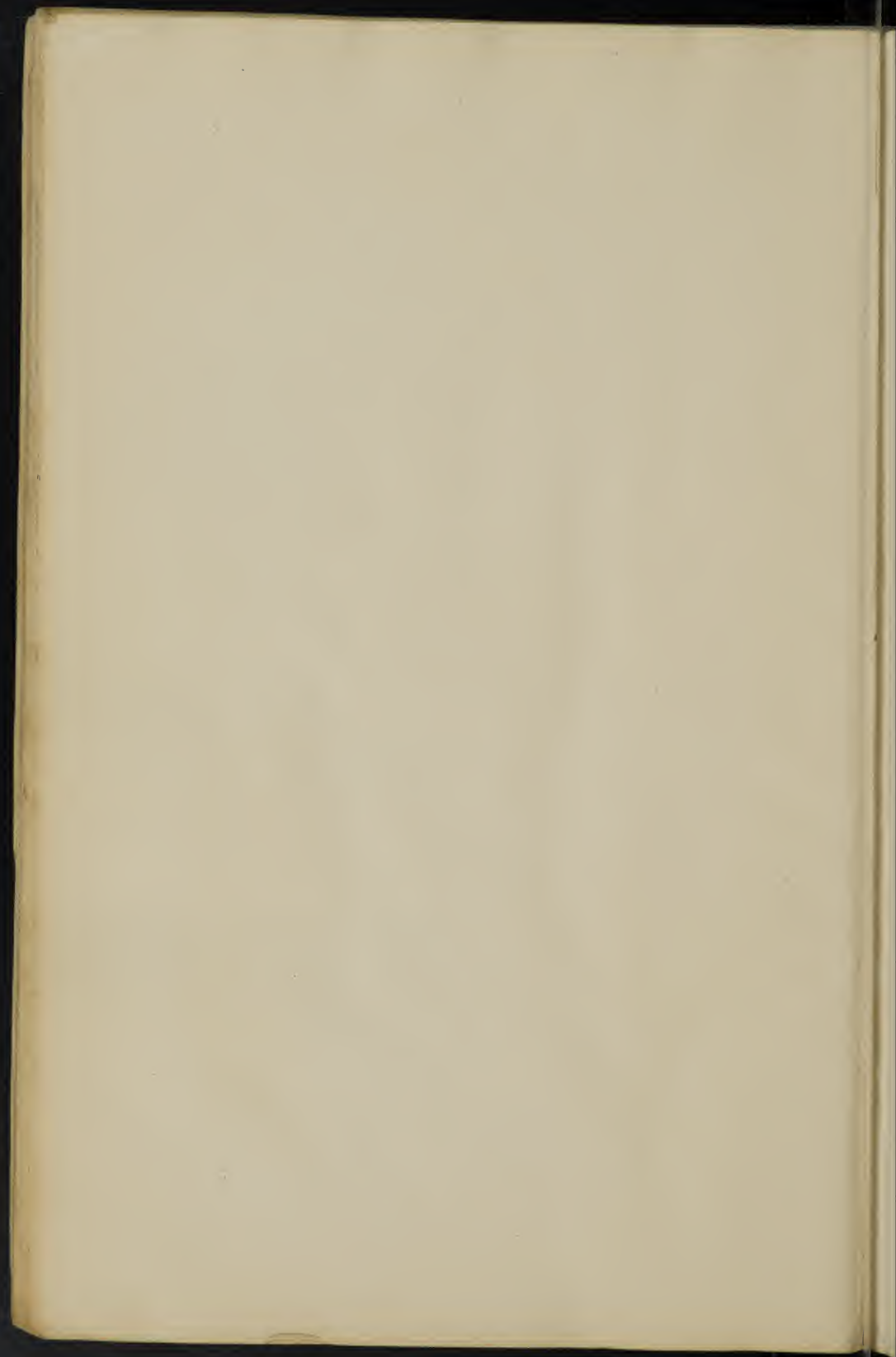


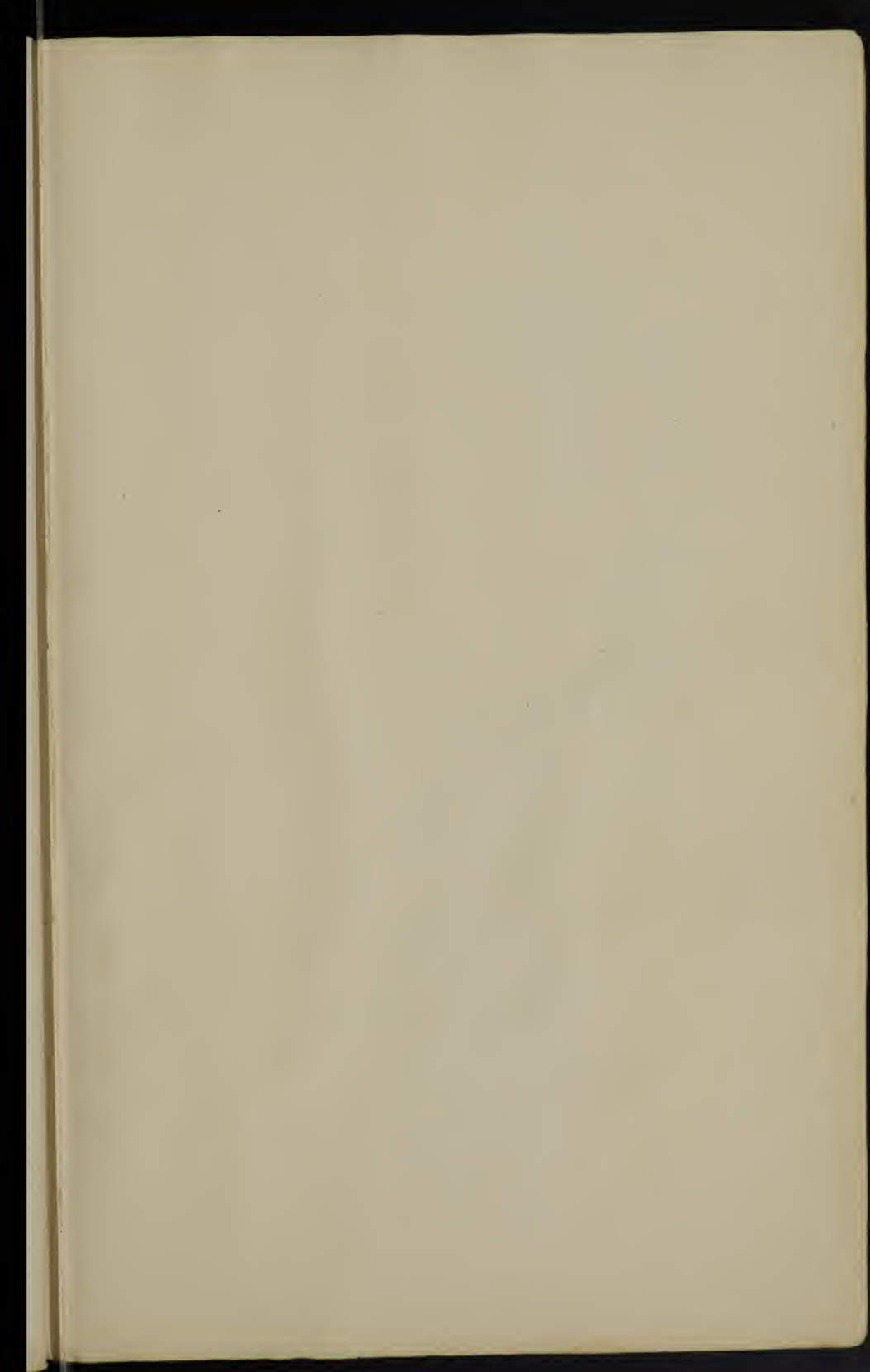


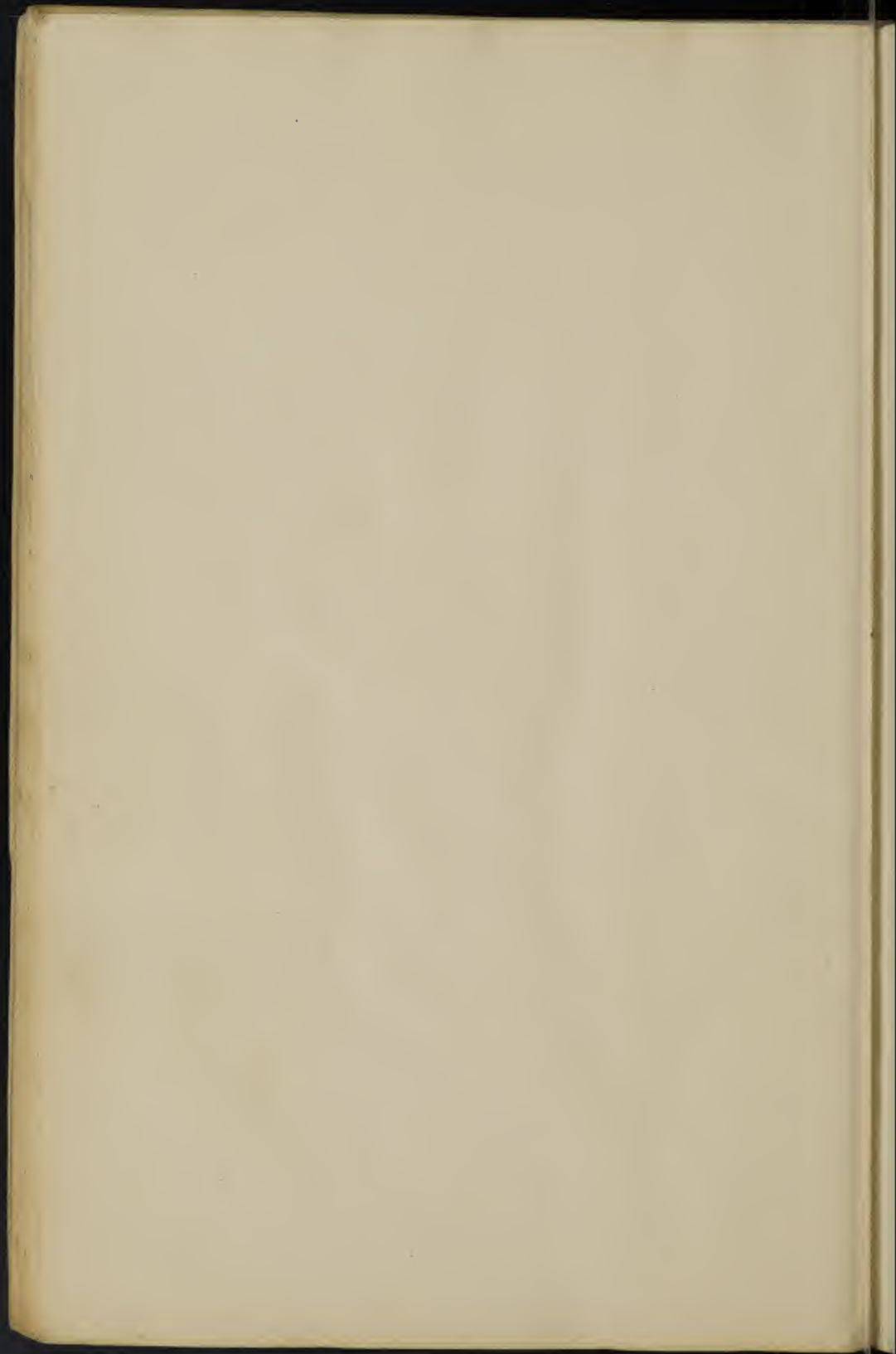


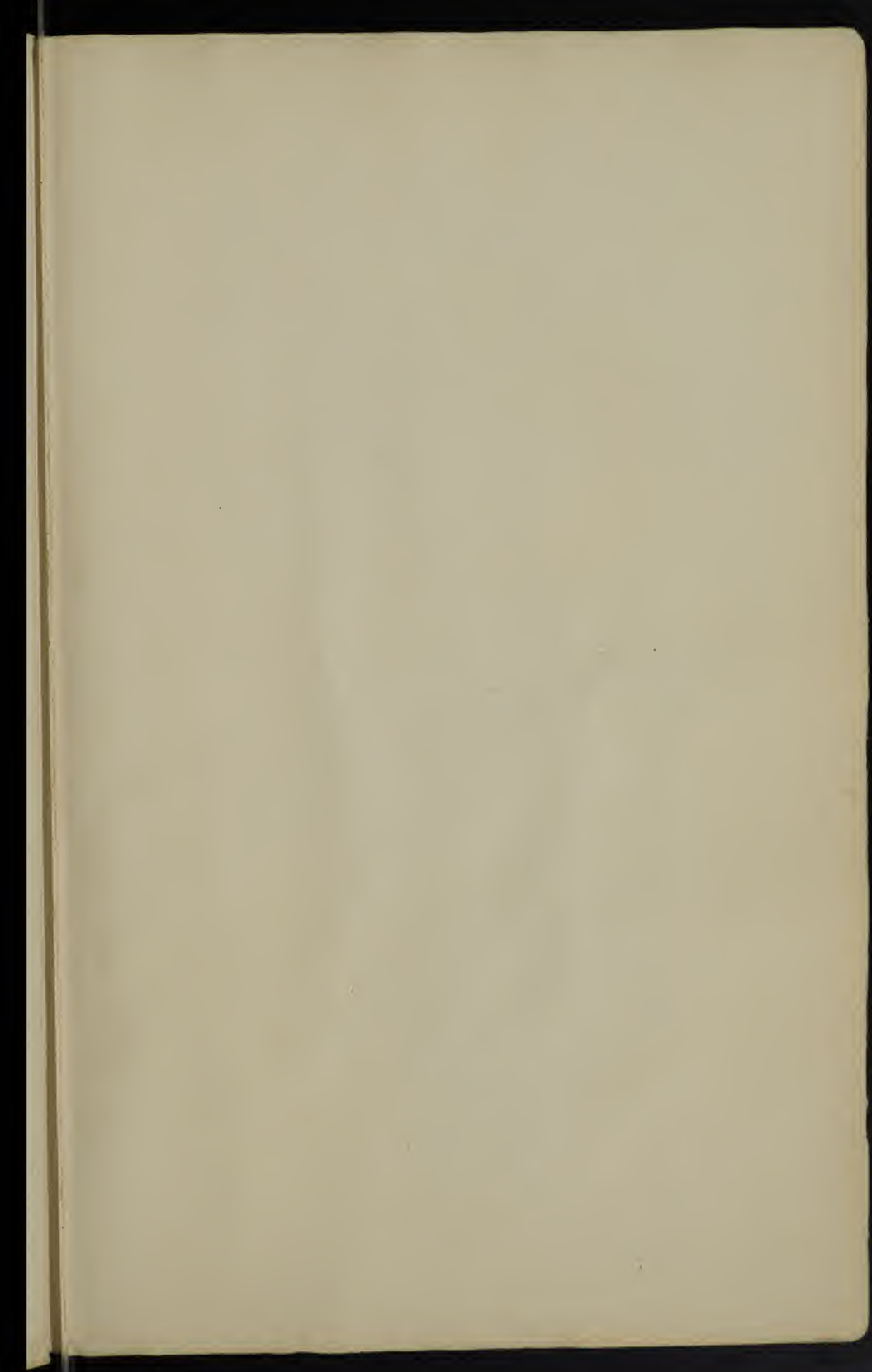












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